

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.300 Consultant Pharmacist Registration.

(1) through (2) No change.

(3) Upon receipt of proof satisfactory to the Board that the consultant pharmacist meets the requirements of subsection (2), the Board shall issue a consultant pharmacist license and register the applicant as a consultant pharmacist in the official records of the Florida Board of Pharmacy with the proviso that designation as the consultant pharmacist of record for a permitted facility, required by rule to employ a consultant pharmacist, requires that the consultant pharmacist must have completed or immediately begin a period of assessment and evaluation, which may be fulfilled by one of the following as a prerequisite or co-requisite:

(a) The period of assessment and evaluation may be fulfilled by the licensee who is a consultant of record and is responsible to sign all pertinent records by completing assignments and performing various consultant of record activities under the guidance or evaluation of a Florida Consultant Pharmacist who is experienced as a pharmacist of record in a Florida Institutional Pharmacy for a minimum of two years and in good standing with the Board. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(b) The licensee may complete this requirement prior to accepting a position as a consultant of record by assisting a consultant of record who is responsible to sign or co-sign all pertinent records. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(c) Practicing ~~(a) practice~~ under the supervision and evaluation of a consultant pharmacist of record in good standing at the same institution for a period of not less than six months, OR

(b) through (d) renumbered (d) through (f) No change.

~~(g)(e)~~ The written assignments required by subsections (d), (e), and (f), ~~(b), (c), and (d)~~ above shall be completed and sent to the board office within six months of assuming consultant pharmacist of record responsibilities for the permit.

(4) through (9) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-13-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE NO.: 4K-1.003
RULE TITLE: Review Process and Reward Criteria

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)l., Florida Statutes, published in Vol. 27, No. 8, February 23, 2001, of the Florida Administrative Weekly;

1. ~~4K-1.003(6)~~

We would add “and as set forth in Rule 4K-1.003(8),(9), and (10).” Therefore it would read: “(6) The criteria for evaluating the application is based on information submitted to the Division of Insurance Fraud after October 1, 1999, leading to the arrest and conviction of persons committing a complex or organized crime investigated by the Division of Insurance, arising out of a violation of Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, Florida Statutes, and as set forth in Rule 4K-1.003(8),(9), and (10).”

2. ~~4K-1.003(10)(a)-(e)~~

We would write as follows:

“(10) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 for theft or fraud valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 for theft or fraud valued at \$100,000 but less than \$1,000,000.

(c) A reward of up to \$5,000 for theft or fraud valued at \$20,000 but less than \$100,000.

(d) A reward of up to \$1,000 for theft or fraud less than \$20,000 but at least \$5,000.

(e) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted.”

The remainder of the rule reads as previously published.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-10.001
RULE TITLE: Asset Transfer Procedures: Initial Transfers Occurring between 7/1/02 and 3/31/03

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule and to the form incorporated by reference, in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 5, which is the February 2, 2000, issue of the Florida Administrative Weekly.

Rule 19-10.001:

In subsection (3)(a), the first two sentences will now read: "Beginning on the dates specified in paragraph (e), below, the employee shall complete an enrollment form, Florida Retirement System (FRS)/Public Employee Optional Retirement Program (PEORP)/Enrollment Election Form, Form SBA/PEORP-election, rev. 3/2001, which is hereby adopted and incorporated by reference. This form may be obtained from the State Board of Administration, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308."

In subsection (3)(e)4., the last sentence will now read: " For those two instances, for those school board employees who wish to begin their effective enrollment in PEORP in December of 2002 and for those local employees who wish to begin their effective enrollment in PEORP in March of 2003, it is necessary that their employers submit the election form within 24 hours of the end of the election period to allow for the assets to be transferred within the statutory period.

In subsection (8), the sentence will now read: "In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction."

In the history note, the reference to "121.031(2)" will be deleted.

On the enrollment form to be incorporated by reference:

In Section II, under Options 2 and 3, the reference to "ABO" in the second line will be changed to "FRS benefit."

In Section IV, the instruction stating "Complete Section IV.A only if you selected Option 2" will be deleted and replaced with the following:

"If you selected OPTION 2, complete SECTIONS IV.A and B. If you selection OPTION 3, complete only SECTION IV.B."

In Section V, the statutory cite in the third affirmation will be changed to: "121.4501(3)(c)3.b."

The notarization requirement at the end of the form will be deleted.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need Program

RULE NO.: 59C-1.008
 RULE TITLE: Certificate of Need Application Procedures

NOTICE OF WITHDRAWAL

The agency is withdrawing amendments originally published in Vol. 26, No. 42, Florida Administrative Weekly, October 20, 2000. The amendments proposed a batching cycle calendar for 2001 and 2002. The batching cycle calendar was subsequently incorporated in amendments to rule 59C-1.008 that became effective on December 12, 2000.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-16.003
 RULE TITLE: Sexual Misconduct in the Practice of Psychology

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above proposed rule pursuant to subparagraph 120.54(3)(d)1., F.S., as published in Vol. 26, No. 34, August 25, 2000 issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 2, 2001.

Section (1) shall now read as follows:

(1) In accordance with the intent of Chapter 490, Florida Statutes, to preserve the health, safety and welfare of the public, sexual misconduct as defined herein is prohibited. The Board finds that the effects of the psychologist-client relationship are powerful and subtle and that clients are influenced consciously and subconsciously by the unequal distribution of power inherent in such relationships. The Board also finds that sexual intimacies with a former client are frequently harmful to the client, and that such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services. Furthermore, the Board finds that the effects of the psychologist-client relationship endure after psychological services cease to be rendered. Therefore, the client shall be presumed incapable of giving valid, informed, free consent to sexual activity involving the psychologist and the assertion of consent by the client shall not constitute a defense against charges of sexual misconduct.

Subsections (5)(a) through (e) shall now read as follows:

(a) The determination of when a person is a client for purposes of this rule is made on a case by case basis with consideration given to the nature, extent, and context of the professional relationship between the psychologist and the person. The fact that a person is not actively receiving treatment or professional services from a psychologist is not determinative of this issue. A person is presumed to remain a client until the psychologist-client relationship is terminated.

(b) The mere passage of time since the client's last visit to the psychologist is not solely determinative of whether or not the psychologist-client relationship has been terminated. Some

of the factors considered by the Board in determining whether the psychologist-client relationship has terminated include, but are not limited to, the following:

1. Formal termination procedures;
2. Transfer of the client's case to another psychologist;
3. The length of time that has passed since the client's last visit to the psychologist;
4. The nature and duration of the professional relationship;
5. The extent to which the client has confided personal or private information to the psychologist;
6. the nature of the client's personal history;
7. The degree of emotional dependence that the client has on the psychologist;
8. The circumstances of termination of the professional relationship;
9. The client's current mental status;
10. The likelihood of adverse impact on the client and others; and
11. Any statements or actions by the psychologist during the provision of psychological services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(c) Sexual conduct between a psychologist and a former client after termination of the psychologist-client relationship will constitute a violation of the Psychological Services Act if the sexual contact is a result of the exploitation of trust, knowledge, influence or emotions, derived from the professional relationship.

(d) A client's consent to, initiation of, or participation in sexual behavior or involvement with a psychologist does not change the nature of the conduct nor lift the statutory prohibition.

(e) Upon a finding that a psychologist has committed unprofessional conduct by engaging in sexual misconduct, the Board will impose such discipline as the Board deems necessary to protect the public. The sanctions available to the Board are set forth in Rule 64B19-17.002, F.A.C., and include restriction or limitation of the psychologist's practice, revocation or suspension of the physician's license.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE NO.: 65A-4.201
 RULE TITLE: Hardship Exemptions to Assistance Time Limits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the cited proposed rule in accordance with subparagraph 120.54(3)(d)1., published in Vol. 26, No. 52, December 29, 2000, issue of the Florida Administrative Weekly. The specific changes were made in response to comments received from the Joint Administrative Procedures Committee and Florida Legal Services, Inc. on proposed rule language and form provisions that appeared to be in conflict with statutory authority or that needed clarification. The CF-ES 2086, Hardship Extension Statement of Understanding Form, Sep 00, is deleted from the rule as it is used only by the regional workforce board (RWB).

Specific changes are as follows:

Section (1) ~~Hardship Extension Exemption Determinations. An extension to the receipt of temporary cash assistance (TCA) cannot be authorized until a hardship extension review, using the CF-ES 2082, Hardship Extension Review Form, Sep 00, incorporated by reference, is completed by the department and the regional workforce board (RWB). The local WAGES coalition or designee, such as a community review panel or the administrative entity's director or staff. Based on the joint recommendation of the participant's public assistance specialist and the RWB designee's WAGES coalition's contracted career case manager. The recommendation and the decision as to hardship extension exemption will be based on the hardship exemption criteria established in this rule (65A-4.201) and s. 414.105, F.S.~~

(2) The department will be responsible for:

(a) Determining that the correct TCA time limit was assigned.

(b) Reviewing the case for earned months of TCA assistance. If available, earned months are to be used prior to requesting a hardship extension. Participants will be eligible to apply after earned months have been used.

(c) Determining that the participant meets the penalty criteria.

(d) Completing section A of the CF-ES 2086; forwarding the form to the RWB; and, if applicable, referring the participant to the RWB designee to complete the review process.

(3)(2) The RWB designee will be responsible for reviewing employment potential and assessing if the participant is recommended ~~and~~ for a hardship extension exemption.

(a) Discussion with the participant about a hardship ~~extension exemption~~ will occur during an employment ~~or request for a hardship extension~~ review conducted by the contracted ~~career case~~ manager. The contracted ~~career case~~ manager will document the interview with the participant on the ~~Hardship Extension Exemption Review Form (CF-ES 2082, _____ Sep 00) incorporated by reference and the CF-ES Hardship Extension Statement of Understanding, Sep~~

00, ~~incorporated by reference~~, to indicate the information on the form has been discussed with the participant. The participant will sign the form to indicate whether or not an extension exemption is requested.

(b) A participant who did not request a hardship extension exemption at the time the original Hardship Extension Exemption Review Form was signed may subsequently request a hardship extension exemption by completing the hardship extension review process of this rule using the CF-ES 2082. If the individual has not received TCA benefits or services for more than 30 days, the CF-ES 2066, Request for Assistance, Jun 98, incorporated in Administrative Rule 65A-1.400, must also be completed and being referred to the RWB designee for work registration and a hardship extension determination. The participant may make a subsequent request to the RWB designee up to the expiration of the time limits by completing the Hardship Exemption Review Form (CF-ES Form 2082A, Jun 98)(incorporated by reference).

(4) Upon documentation of a pending SSI or SSDI application or appeal, individuals who are not receiving TCA benefits because they have used their periodic 24/60-month or 36/72-month time limit must be granted a hardship extension until a final determination is made.

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

(9)(7) The RWB designee will forward to the department a copy of the completed CF-ES 2082 that includes a recommendation for the approval and recommended length of the extension or denial of a hardship extension. If all hardship criteria is met, the department will approve the participant for the continued receipt of TCA for the amount of time recommended by the RWB.

~~(10)(7)~~ No change.

(11)(8) Review of Hardship Extension Exemption Cases. The ~~RWB designee~~ A review of hardship cases must be completed at least once every two years using the hardship extension review process of this rule, except for domestic violence cases that must be reviewed every six months in accordance with 45 CFR, Part 260, Section 260.55(b)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-19.002	Claiming Allowable Expenditures
65C-19.009	Accounting/Claiming Procedures

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. 26, No. 40, October 6, 2000, issue of the Florida Administrative Weekly:

65C-19.002 Claiming Allowable Expenditures.

In order for a local agency to claim Title IV-E reimbursement for an allowable expenditure related to the maintenance and administrative costs for the care of eligible Title IV-E children, the agency must:

(1) Enter into an interagency agreement with the Department of Children and Families by executing the Interagency Agreement with the Florida Department of Children and Families, CF-FSP 5251, ~~Dec Sep~~, 2000, which is incorporated by reference. This agreement must be executed prior to submission of any Title IV-E claims. Copies of the documents incorporated by reference can be obtained from the Department of Children and Families, Family Safety Program Office, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700.

65C-19.009 Accounting/Claiming Procedures.

Upon completion of documentation as set forth in the interagency agreement between the local government and the department, the following reimbursement process shall be initiated:

~~(1) The public agency must require the provider to local agency shall submit to the public agency~~ quarterly documentation of Title IV-E expenditures and an estimate of eligible expenditures for the next quarter.

(2) The ~~public agency local agency~~ will submit documentation to a local match liaison of the Office of Family Safety headquarters to certify that the expenditures were made with public funds. The local match liaison will review the documentation for payment approval.

(3) Upon completion of the review of the documentation submitted, the local match liaison will forward the information ~~will be submitted~~ to Financial Management for a reimbursement of at least 95% of the claim to the ~~public local~~ agency. The department ~~shall~~ retains up to five percent 5% of the reimbursement to cover some of the administrative costs of operating the local match process. The amount retained is posted to the Family Safety Federal Grants Trust Fund. federal funds received from the federal government but not to exceed the actual cost of the administration of the program. Any funds remaining in excess of actual administrative costs will be refunded to the local agency.

(4) The expenditures will be claimed and the upcoming quarter estimates will be included on the IV-E-1 Statement of Expenditures Report on a quarterly basis.