

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (9) No change.

(a) No person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding s. 370.135(2)(a), Florida Statutes, effective July 1, 2002, and until July 1, 2005, no blue crab endorsements, except those endorsements that were active during the 2001-2002 fiscal year, shall be renewed or replaced. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a blue crab endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the marine life fishery endorsement before September 30 of each year. All provisions of s. 370.135(2)(c)-(e), Florida Statutes, shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 1-1-98, 6-1-99, Formerly 46-45.004, Amended _____.

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Grievance Procedures
 RULE NO.: 33-302.101
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct titles of staff responsible for administration of the offender grievance process.
 SUMMARY: The proposed rule provides correct titles of staff responsible for administration of the offender grievance process.
 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: 944.09 FS.
 LAW IMPLEMENTED: 944.09 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.101 Offender Grievance Procedures.

(1) No change.

(2) The following procedures outline the steps to be taken by an offender under field supervision, including an offender in pretrial intervention who has a complaint concerning actions on supervision. Steps for filing complaints are:

(a) through (c) No change.

(d) In the event the issue is not resolved with the circuit administrator, the offender may forward her or his grievance, along with the circuit administrator's response to the regional director of ~~regional~~ community corrections for review. The regional director of ~~regional~~ community corrections shall provide a written response, which attempts to resolve the issue, within 20 calendar days of receipt of the grievance.

(e) In the event the issue is not resolved with the regional director of ~~regional~~ community corrections, the offender may forward her or his grievance, along with the director of regional community correction's response, to the Bureau of Inmate Grievance Appeals in the Central Office.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01, 7-30-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Conditional Medical Release
 RULE NO.: 33-401.201
 PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to correct titles of health services staff associated with the conditional medical release recommendation process.
 SUMMARY: The proposed rule corrects titles of health services staff associated with the conditional medical release recommendation process.
 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: 20.315, 947.149 FS.

LAW IMPLEMENTED: 20.315, 947.149 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.201 Conditional Medical Release.

(1) No change.

(2) The chief health officer of an institution housing an inmate whose health has deteriorated to a point where consideration for conditional medical release may be appropriate shall provide a conditional medical release recommendation to the Director of Assistant Secretary for Health Services. Based upon this his review, the Director of Assistant Secretary for Health Services shall:

(a) through (c) No change.

(3) When requested by the Florida Parole Commission, the Office Bureau of Health Services shall provide additional medical evidence or additional medical examinations for inmates being considered for conditional medical release.

(4) through (5) No change.

Specific Authority 20.315, 947.149 FS. Law Implemented 20.315, 947.149 FS. History—New 12-11-88, Amended 3-23-93, 1-16-96, Formerly 33-19.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Thomas

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Communicable Disease Exposure and Testing RULE NO.: 33-401.501

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement the provisions of s. 945.35, F.S.

SUMMARY: The proposed rule provides for the testing of inmates who are suspected of exposing others to a communicable disease.

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: 945.35 FS.

LAW IMPLEMENTED: 381.004, 945.35 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.501 Communicable Disease Exposure and Testing.

(1) In the event of possible exposure to a communicable disease by a correctional officer, employee, inmate, or any unincarcerated person lawfully present in a correctional facility, the person exposed is authorized by s. 945.35, F.S., to request the testing of himself or herself and the inmate who caused the exposure.

(a) If the request is made by a correctional officer or other employee, testing of the individual and access to counseling, health care, and support services shall be provided through the workers compensation program. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.

(b) If the request is made by an unincarcerated person lawfully present in the correctional facility, he or she shall be referred to his or her health care provider or local health department for testing and access to counseling, health care and support services. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.

(c) If the request is made by an inmate, the inmate shall be referred to health services staff at the facility for testing in accordance with subsection (2) below.

(2) When a request has been made for testing, health services staff shall first determine whether there is reason to believe that risk of exposure has occurred. If not, the requestor shall be so advised. If so, health services staff shall order such testing of the source inmate as is clinically appropriate for the type of exposure involved.

(3) Upon receipt of the test results of the source inmate, health services staff shall provide the results to the requestor and the source inmate. These results are confidential and shall only be communicated to the person requesting the test and the inmate tested. Confidentiality of HIV test results shall be maintained in accordance with s. 381.004, F.S.

(4) The source inmate shall be provided with counseling, health care and support services in conjunction with communication of the test results.

Specific Authority 945.35 FS. Law Implemented 381.004, 945.35 FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Thomas
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH
Division of Medical Quality Assurance

RULE TITLE: Examinations, Fees
RULE NO.: 64B-1.016

PURPOSE AND EFFECT: Senate Bill 1558, effective July 1, 2001, provided new statutory authority to the Department of Health to set fees for examinations for initial licensure and certification, offered through the Division of Medical Quality Assurance. Accordingly, proposed new Rule 64B-1.016, puts forth examination fees that include all costs to the Department to develop, purchase, validate, administer, and defend such examinations, in an amount certain to cover all administrative costs, plus the actual per-applicant cost of the examination. Additional fees are proposed to cover the actual cost to the Department to provide examination reviews.

SUMMARY: Proposed new Rule 64B-1.016(1)(a) provides fees for department developed examinations, while subsection (1)(b) establishes fees associated with the administrative costs incurred by the department as part of oversight of examinations rendered by national vendors. Subsection (2) establishes fees for examination reviews.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES. None.

Any person who wishes to provide information regarding a 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: 456.004 FS.

LAW IMPLEMENTED: 456.004, 456.017 FS.

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

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.016 Examinations, Fees.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following examinations:

<u>Exam Fees</u>

<u>Profession</u>	<u>Exam</u>	<u>Exam Fee</u>
<u>Acupuncture</u>	<u>National Written</u>	<u>\$1,091.00</u>
	<u>Chiropractic</u>	
	<u>Physical Diagnosis</u>	<u>\$610.00</u>
	<u>Technique</u>	<u>\$250.00</u>
	<u>X-Ray</u>	<u>\$180.00</u>
	<u>Laws & Rules</u>	<u>\$60.00</u>
	<u>Acupuncture</u>	<u>\$220.00</u>
	<u>CBT Laws & Rules</u>	<u>\$35.00</u>
	<u>CBT Acupuncture</u>	<u>\$135.00</u>
<u>Clinical Lab Personnel</u>	<u>Administration &</u>	<u>\$150.00</u>
	<u>Supervision</u>	
	<u>Microbiology</u>	<u>\$150.00</u>
	<u>Immunoematology</u>	<u>\$150.00</u>
	<u>Serology/</u>	<u>\$150.00</u>
	<u>Immunology</u>	
	<u>Clinical Chemistry</u>	<u>\$150.00</u>
	<u>Hematology</u>	<u>\$150.00</u>
	<u>Histology</u>	<u>\$150.00</u>
	<u>Blood Banking</u>	<u>\$150.00</u>
	<u>General Laboratory</u>	<u>\$150.00</u>
	<u>Technician</u>	
	<u>Dental</u>	<u>Clinical</u>
	<u>Laws & Rules</u>	<u>\$95.00</u>
	<u>CBT Laws & Rules</u>	<u>\$30.00</u>
<u>Dental Hygiene</u>	<u>Clinical</u>	<u>\$325.00</u>
	<u>Laws & Rules</u>	<u>\$60.00</u>
	<u>CBT Laws & Rules</u>	<u>\$20.00</u>
<u>Electrolysis</u>	<u>Written Exam</u>	<u>\$505.00</u>
	<u>Hearing Aid Specialist</u>	
<u>Massage</u>	<u>National Written</u>	<u>\$700.00</u>
	<u>Colonics</u>	<u>\$595.00</u>
	<u>CBT Colonics</u>	<u>\$385.00</u>
<u>Nursing Home Administrator</u>	<u>Laws & Rules</u>	<u>\$240.00</u>
	<u>CBT Laws & Rules</u>	<u>\$155.00</u>
<u>Opticianry</u>	<u>Practical</u>	<u>\$385.00</u>
	<u>Neutralization</u>	<u>\$190.00</u>
	<u>Laws & Rules</u>	<u>\$115.00</u>
<u>Optometry</u>	<u>Clinical</u>	<u>\$590.00</u>
	<u>Pharmacology</u>	<u>\$370.00</u>
	<u>Laws & Rules</u>	<u>\$70.00</u>
	<u>Certification</u>	<u>\$168.00</u>
	<u>National Written</u>	<u>\$2,500.00</u>
<u>Osteopathic Medicine Psychology</u>	<u>National Exam</u>	<u>\$458.00</u>
	<u>Laws & Rules</u>	<u>\$120.00</u>
	<u>CBT Laws & Rules</u>	<u>\$80.00</u>

(b) The following fees shall be assessed by the department to cover administrative costs for the following examinations:

Contract Oversight Cost

Profession	Exam	Exam Fee
Certified Social Workers	National Exam	\$451.00
Clinical Social Workers/ Marriage & Family Therapy/ Mental Health Counselors	National Exam	\$59.00
Dietician	National Exam	\$130.00
Midwifery	National Exam	\$266.00
Nursing Administration	National Exam	\$5.00
Pharmacy	National Exam	\$5.00
Physical Therapy	National Exam	\$5.00
Podiatry	National Exam	\$138.00
Respiratory Therapy	National Exam	\$5.00

(c) The department shall assess the following non-refundable post examination review fees to cover the actual cost to the department to provide the examination review:

Review Fees

Profession	Exam	Review Fee
Chiropractic	Physical Diagnosis	\$100.00
	Technique	\$100.00
	X-Ray	\$75.00
	Laws & Rules	\$75.00
	Acupuncture	\$75.00
Dental	Clinical	\$125.00
	Laws & Rules	\$75.00
Dental Hygiene	Clinical	\$100.00
	Laws & Rules	\$75.00
Clinical Labs	Administration & Supervision	\$100.00
	Microbiology	\$100.00
	Immunoematology	\$100.00
	Serology/ Immunology	\$100.00
	Clinical Chemistry	\$100.00
	Hematology	\$100.00
	Histology	\$100.00
	Blood Banking	\$100.00
	General Laboratory Technician	\$100.00
	Basic Sciences	\$100.00
	Clinical Applications	\$100.00
	Written National	\$150.00

Massage	Colonics	\$100.00
Nursing Home Administrator	Laws & Rules	\$75.00
Opticianry	Practical	\$75.00
	Neutralization	\$100.00
	Laws & Rules	\$75.00
	Clinical	\$100.00
	Pharmacology	\$100.00
Optometry	Laws & Rules	\$75.00
	Certification	\$100.00
	Laws & Rules	\$75.00
Psychology	Laws & Rules	\$75.00
Florida Physician Assistant Licensure Exam	Written Exam	\$150.00

Specific Authority 456.004 FS. Law Implemented 456.004(10), 456.017(2) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gregory Stone, Ph.D., M.A., Senior Management Analyst, Bureau of Operations, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-3290
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Proprietorship by Nondentists
RULE NO.: 64B5-17.013

PURPOSE AND EFFECT: The purpose of the rule amendments is to rename the rule's title and add new language in an attempt to clarify the rule text and unnecessary language is being deleted.

SUMMARY: The Board is renaming the rule and setting forth new language which will further clarify proprietorship by nondentists. Unnecessary rule text is being deleted.

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: 466.004 FS.

LAW IMPLEMENTED: 466.003, 466.0285, 466.028(1)(g),(z) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.013 Proprietorship by Nondentists Dental Practice Management Services.

(1) No corporation, lay body, organization, or individual other than a licensed dentist or a professional corporation or limited liability company composed of dentists shall engage in the practice of dentistry through the means of engaging the services, upon a salary, commission, or other means of inducement, of any person licensed to practice dentistry in this state. The provisions of this rule are not applicable to dentists working under any of the settings described in s. 466.025, F.S.

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties. The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(3) For the purposes of this rule:

(a) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(b) The term "control" shall mean to exercise authority or dominating influence over; having the authority or ability to regulate, direct, or dominate.

(4) A licensed dentist may enter into an agreement with a nondentist to receive "Practice Management Services." The term "Practice Management Services" is defined to include consultation or other activities or services offered by someone other than a Florida licensed dentist regarding one or more of the following types of products or services:

(a) through (i) No change.

(5)(3) No change.

(6) For purposes of implementing the provisions of Section 466.028(1)(h), no dentist shall enter into any agreement, or series of agreements, with anyone other than a

dentist or group of dentists, which constitutes a de facto employment of the dentist by a nondentist. Except as permitted by Section 542.33, Florida Statutes, licensed dentists are prohibited from agreeing not to compete in the provision of dental services with any entity which is not itself a licensed dentist, or which is not licensed or otherwise permitted by law to provide the services which are the subject not to compete.

(7) The provisions of this rule are not intended to impair the validity of any contract in existence as of the effective date of this rule.

Specific Authority 466.004 FS. Law Implemented 466.003, 466.0285, 466.028(1)(g),(z) FS. History--New 10-16-96, Formerly 59Q-17.013, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Removal of Amalgam Fillings

RULE NO.: 64B5-17.014

PURPOSE AND EFFECT: The purpose of this new rule is to set forth language with regard to the removal of amalgam fillings.

SUMMARY: The Board proposes to promulgate a new rule to address the removal of amalgam fillings.

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: 466.004(4) FS.

LAW IMPLEMENTED: 466.001, 466.004(4), 466.028(1)(x),(ff) FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter, January 18, 2002

PLACE: The Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.014 Removal of Amalgam Fillings.

The Board of Dentistry has determined pursuant to Sections 466.001, 466.004, 466.019 and 466.028(1)(d), (l), (w), (x), (y), and (ff), Florida Statutes, that removal of amalgam fillings from patients who are not allergic to amalgam for the alleged purpose of removing toxic substances from the body does not meet the minimum standards of performance for competent dental practice in Florida and poses an inherent danger to the public.

Specific Authority 466.001, 466.004, 466.005, 466.019 FS. Law Implemented 466.028(1)(d),(l),(w),(x),(y),(ff) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards of Practice in Certain Office Settings
RULE NO.: 64B8-9.0075

PURPOSE AND EFFECT: The proposed rule amendment is intended to address practice in clinics registered under section 456.0375, Florida Statutes.

SUMMARY: The proposed rule amendment clarifies requirements for practice in clinics registered under section 456.0375, Florida Statutes.

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: 456.0375, 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.0375, 458.331(1) 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: 10:00 a.m., December 28, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0075 Standards of Practice in Certain Office Settings.

(1) through (2) No change.

(3) Licensed physicians and physician assistants in a clinic registered under section 456.0375, Florida Statutes ~~practice setting that is not identified in section (2) above, nor under the ownership and control of an actively licensed Florida physician who is responsible for ensuring that the requirements in section (2) are complied with,~~ may reasonably rely upon a Florida licensed medical director ~~physician in charge~~ to ensure compliance with the responsibilities set out in section (2), only if the medical director ~~physician in charge~~ has filed a notarized statement on a form approved by the Board of Medicine, specifically agreeing to accept the following responsibilities on behalf of one or more named licensed physicians or physician assistants in the practice setting:

(a) through (e) No change.

Specific Authority 456.0375, 458.309, 458.331(1)(v) FS. Law Implemented 456.0375, 458.331(1) FS. History--New 11-13-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fraud Committee, Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Physician Assistant Licensure
Physician Assistant Licensure Renewal
Notice of Noncompliance
Citation Authority
RULE NOS.: 64B8-30.003
64B8-30.005
64B8-30.013
64B8-30.014

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify requirements for licensure and renewal, address continuing education for prevention of medical errors, and implement new rules relating to notices of noncompliance and citation violations.

SUMMARY: The proposed amendments to Rule 64B8-30.003 requires that those who have not passed the NCCPA licensure examination within five (5) attempts shall be required to complete a minimum of three (3) months in a full-time review

course. In addition the rule sets forth requirements for continuing medical education for initial licensure. Rule 64B8-30.005 sets forth continuing education for licensure renewal. The new Rule 64B8-30.013 sets forth violations which are appropriate for a notice of non-compliance and Rule 64B8-30.014 specifies violations and penalties appropriate for issuance of a citation.

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: 456.013, 456.031(2), 456.033(6), 456.073(3), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 456.073(3), 456.077, 458.331, 458.347 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: 10:00 a.m., December 28, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) Applicants for licensure who have not passed the NCCPA licensure examination within five (5) attempts shall be required to complete a minimum of three (3) months in a full-time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee, which completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

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

(4) The applicant must submit notarized statements attesting to the following:

(a) Completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and

isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Requirements for Temporary Licensure-

~~(a) Applicants who are unlicensed physicians who are graduates of foreign medical schools may be issued temporary licenses by the Executive Director upon completion of requirements set forth in 64B8-30.003(1)(a)1., 2., 3., and 4., and (c)1., 2., 3., 4., and 5., if there is no information or legal issue suggesting that the applicant is not eligible.~~

~~(b) All temporary licenses issued by the Executive Director shall be reviewed and ratified or rescinded at the next regular meeting of the Council and the Board. Further, either board may authorize issuance of a temporary license once legal or factual issues are resolved in favor of the applicant.~~

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

~~(6)(5)~~ Licensure as a Prescribing Physician Assistant.

(a) An applicant for license as a prescribing physician assistant shall, together with the supervising physician, jointly file the application for licensure as set forth in Rule

~~64B8-1.007 on form PAX/004, entitled "Application for Certification as Prescribing Physician Assistant", effective 3-25-96 (rev. 1-4-96), which is incorporated herein by reference and available from the Board office. The same application may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.~~

(b) through (c) No change.

~~Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 458.347, 456.017 FS. History--New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00,~~

64B8-30.005 Physician Assistant Licensure Renewal.

(1) A Physician Assistant must renew his licensure on a biennial basis.

(2) Requirements for Renewal.

(a) through (c) No change.

~~(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S.~~

~~(e) For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be~~

~~counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.~~

~~(f) Notwithstanding the provisions of subsections (d) and (e), above, a physician assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(g) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.~~

~~(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.~~

~~(3) through (5) renumbered (4) through (6) No change.~~

~~Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS., s. 2, Ch. 91-22; s. 71, Ch. 91-297, Laws of Florida. History--New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98,~~

64B8-30.013 Notice of Noncompliance.

~~(1) Pursuant to Section 456.073(3), Florida Statutes, the department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Agency may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, Florida Statutes. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in subsection (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.~~

(2) The department shall submit to the board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

(3) The following violations are those for which the board authorizes the Agency to issue a notice of noncompliance:

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of chapter 458, as prohibited by Section 458.347(7)(g) and 458.331(1)(x), Florida Statutes:

1. Section 458.347(1), Florida Statutes, which provides for criminal penalties for the practice as a physician assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as a physician assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Section 456.073 and 456.035(1), Florida Statutes.

2. Failing to notify the board of a change of practice location, contrary to Sections 458.319(3) and 456.035(1), Florida Statutes.

Specific Authority 456.073(3), 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.073(3), 458.331, 458.347(7)(g),(12) FS. History—New

64B8-30.014 Citation Authority.

(1) Pursuant to Section 456.077, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS

PENALTY

(a) CME violations (Sections 458.347(7)(c), 458.331(1)(g),(x), 456.072(1)(e), (s), F.S.)

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine

1. Failure to document required HIV/AIDS CME. (456.033, F.S.)

\$250 fine

2. Failure to document required domestic violence CME. (456.031, F.S.)

\$250 fine

3. Failure to document both the required HIV/AIDS and domestic violence CME.

\$500 fine

4. Documentation of some, but not all, 100 hours of required CME for license renewal.

\$25 fine for each hour not documented

(b) Obtaining license renewal by fraud or misrepresentation (Section 458.347(7)(g) and 458.331(1)(a), F.S.)

\$2500 fine

(c) Failure to document any of the 100 hours of required CME for license renewal (Sections 458.347(7)(c), 458.331(1)(x), F.S.)

\$2500 fine

(d) Practice on an inactive or delinquent license (Sections 456.036(1), 458.327(1)(a), 458.347(7)(g), 458.331(1)(x), F.S.)

1. For a period of up to nine months.

\$100 for each month or part thereof.

2. For a period of nine months to twelve months.

\$150 for each month or part thereof.

- (e) Failure to notify Department of change of practice address (Sections 456.035, 458.319(3), 458.331(1)(g), 458.347(7)(g), F.S.) \$125 fine
- (f) Failure of the physician assistant to clearly identify that he/she is a physician assistant. (Section 458.347(4)(e)1., 458.347(7)(g), 458.331(1)(g), F.S.) \$250 fine

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Agency for Health Care Administration, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, Florida Statutes, to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, Florida Statutes, shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Agency for Health Care Administration shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, Florida Statutes.

Specific Authority 458.309, 456.077, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4 and October 5, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NOS.:	RULE TITLES:
6D-1.002	Appointment and Jurisdiction
6D-1.003	Meetings
6D-1.004	Officers
6D-1.008	Committees
6D-1.012	Forms and Standard Instructions
6D-1.013	Naming Facilities

NOTICE OF CHANGE

The Florida School for the Deaf and the Blind hereby gives notice of change to the date of public hearing on the above rules, scheduled for December 15, 2001, published in the Florida Administrative Weekly, Vol. 27, No. 45, November 9, 2001.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(1), 242.331(2) FS.

A PUBLIC HEARING WILL BE HELD AT A TIME AND DATE TO BE ANNOUNCED AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

Section IV Emergency Rules

DEPARTMENT OF LOTTERY

RULE TITLE:	RULE NO.:
Instant Game Number 406, FAST NEW YEAR'S CASH	53ER01-74
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 406, "FAST NEW YEAR'S CASH" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.	
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011	