

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

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 21 DAYS 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., May 29, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. Telephone: (850)245-4444, ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.006 Sliding Fee Scale.

(1) Persons with net family incomes between 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a fee on a sliding scale based on the following increments. For family planning services only, persons with incomes between 200 and 250 percent of poverty shall be charged on a sliding fee scale as described in paragraph 64F-16.006(3)(h), F.A.C., below:

- (a) through (g) No change.
- (2) No change.

(3) This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions:

- (a) through (g) No change.

(h) For family planning services only, persons with net family incomes between 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a sliding fee scale as outlined in (1)(a)-(g) above, and persons with net family incomes between 200 and 250 percent shall be charged a fee on a sliding scale based on the following increments:

1. Persons with incomes at 200 to 224 percent of the OMB poverty guidelines shall pay 90 percent of the full fee for family planning services.

2. Persons with incomes at 225 to 249 percent of the OMB poverty guidelines shall pay 95 percent of the full fee for family planning services.

3. Persons with incomes at or above 250 percent of the OMB poverty guidelines shall pay the full fee for family planning services.

(4) Persons with net family incomes above 200 percent of the OMB poverty guidelines shall be charged the full fee promulgated by the department or the relevant board of county commissioners, with the exception of those groups listed in (a) through ~~(h)(g)~~ above.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. Telephone: (850)245-4444, ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Acting Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 5, 2002

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:	RULE TITLE:
IS-1.003	Florida Administrative Weekly (FAW)

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 the March 1, 2002, Vol. 28, No. 9, issue of the Florida Administrative Weekly.

Paragraph (2)(e) is changed as follows:

IS-1.003 Florida Administrative Weekly (FAW).

(2)(e) All documents submitted shall use “underscore” and “overstrike” character attributes to denote inserted and deleted text, respectively. Documents shall not contain “redlining” or other revision markers, or automatic numbering.

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-191.037	Mandatory Coverage of Diabetes Treatment

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. 27, No. 36, October 2, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed:

The rule is changed to read:

4-191.037 Mandatory Coverage of Diabetes Treatment.

(1) Paragraph 641.31(26)(a), Florida Statutes, prohibits the application of monetary limitations to limit coverage of medically appropriate and necessary equipment, supplies, and services used to treat diabetes, if the patient’s primary care physician or physician specializing in diabetes to whom the patient has been referred certifies that the equipment, supplies, or services are necessary.

(2) The term “appropriate” as used in this rule excludes unproven technology, such as experimental treatment or non-FDA approved treatment.

(3) Coverage for equipment meeting the standard in Paragraph 641.31(26)(a), Florida Statutes, shall not be limited by monetary limitations for durable medical equipment or other limitations in a health maintenance organization or prepaid health plan contract.

(4) Paragraph 641.31(26)(a), Florida Statutes, does not prohibit the application of deductibles or copayments to equipment, supplies, and services meeting the criteria in that paragraph.

(5) Payments for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, can be used by an HMO to apply toward limits for durable medical equipment which does not meet that standard.

(6) Nothing in this rule shall prohibit a health maintenance organization or prepaid health plan from utilizing contract providers for equipment, supplies, and services certified as necessary by the patient’s primary care physician or the physician to whom the patient has been referred who specializes in treating diabetes, if such equipment, supplies and services are available from the contract provider.

Specific Authority 641.36, 624.308 FS. Law Implemented 624.307(1), 641.31(26)(a) FS. History–New

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-27	Health Care Services Pools
RULE NOS.:	RULE TITLES:
59A-27.001	Definitions
59A-27.002	Registration and Change in Registration Information
59A-27.003	Inspections
59A-27.004	Penalties and Enforcement Procedures
59A-27.005	Pool Administration
59A-27.006	Procedures and Records
59A-27.009	Financial Responsibility Coverage Amounts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above-cited rule as published in Vol. 28, No. 10, Florida Administrative Weekly, March 8, 2002, Purchase Order Number J00693. In response to comments received from JAPC and the Agency for Health Care Administration (General Counsel’s Office), the following changes have been made.

In 59A-27.001(7), “Department or” is deleted.

In 59A-27.002(3), “department” is deleted and replaced with “AHCA”.

In 59A-27.002(5), “department” is deleted and replaced with “AHCA”.

In 59A-27.004(6), “department” is deleted and replaced with “AHCA”.

In 59A-27.005(7), “department” is deleted and replaced with “AHCA”.

In 59A-27.006(1), “department” is deleted and replaced with “AHCA”.

In 59A-27.001 History Note, “Specific Authority 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

59A-27.002 incorporates by reference AHCA 3110-0110, January 2002. The sworn statement in this document has been eliminated.

In 59A-27.002(2), “, incorporated herein by reference” is eliminated.

In 59A-27.002 History Note, “Specific Authority 400.980 FS., Formerly 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

In 59A-27.003 History Note, “Specific Authority 400.980 FS., 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

In 59A-27.004(6), the phrase “all relevant information including, but not limited to:” is deleted and replaced with “the following information:”

In 59A-27.004 History Note, “Specific Authority 400.980 FS., Formerly 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

In 59A.27.005(8), the phrase “with positive tuberculosis test results” is deleted.

In 59A.27.005(8), “Positive test reactors shall submit a statement from a health care professional licensed under Chapter 458, F.S., or Chapter 459, F.S., that the pool employee or contractor does not constitute a risk of communicating tuberculosis. Upon the specific written request of an individual staff member, copies of the most recent tuberculosis test result and the above mentioned health statement may be released by”

one employer or pool and provided to another employer or pool within two years of the initial date of the test result and statement.” is deleted.

In 59A-27.005(11), is added to read as follows; “The failure to comply with the financial responsibility law, Section 400.980(12), F.S. and these rules, the furnishing of false or misleading information, the failure to timely notify the AHCA of a change in status, or the failure to document compliance with the financial responsibility law upon request by the AHCA shall be grounds for disciplinary action, including fines or registration revocation, or both.”

In 59A-27.005 History Note, “Specific Authority 400.980 FS., Formerly 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

In 59A-27.006(1), “, to the extent applicable,” is deleted.

In 59A-27.006(1)(a), “applicable” is deleted and replaced with “organized as a corporate entity. If organized as a different type of company, then the corresponding organizational documents suitable for that type of business entity are required;”

In 59A-27.006(2), the last four subsections are re-lettered from (d), (e), (f), (g) to (f), (g), (h), (i).

In 59A-27.006(2)(h), reference to Rule “64B22-1.005” is deleted and replaced with “59A-27.005”.

In 59A-27.006(3)(c), “Documentation of all other required personnel information.” is deleted and replaced with “Documentation of personnel information ensuring compliance with 400.980(11), FS.”

In 59A-27.006(3)(f), “64B22-1.005” is deleted and replaced with “59A-27.005”.

In 59A-27.006(3)(a), “(1)” is deleted and replaced with “1”.

In 59A-27.006(3)(a), “(2)” is deleted and replaced with “2”.

In 59A-27.006(3)(a)2., the sentence “The cost of processing the criminal records background check shall be borne by the petitioning party.” is altered to read “The cost of processing the criminal records background check shall be borne by the petitioning party pursuant to Section 435.08, F.S.”

In 59A-27.006(3)(b), “(1)” is deleted and replaced with “1”.

In 59A-27.006(3)(b), “(2)” is deleted and replaced with “2”.

In 59A-27.006(3)(b), “(3)” is deleted and replaced with “3”.

In 59A-27.006(3)(b), “(4)” is deleted and replaced with “4”.

In 59A-27.006(4), the sentence “The cost of processing the criminal background check shall be borne by the petitioning party.” is altered to read “The cost of processing the criminal records background check shall be borne by the petitioning party pursuant to Section 435.08, F.S.”

In 59A-27.006 History Note, “Specific Authority 400.980 FS., Formerly 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

In 59A-27.009 History Note, “Specific Authority 400.980 FS., Formerly 402.48 FS. Law Implemented 402.48 FS.” is deleted and replaced with “Specific Authority 400.980 FS. Law Implemented 400.980 FS.”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61G8-33.003	Centralized Embalming Facilities
61G8-33.004	Cinerator Facilities
61G8-33.005	Removal Services
61G8-33.006	Refrigeration Facilities

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff at the Joint Administrative Procedures Committee.

Rule 61G8-33.003, F.A.C., shall now read:

The requirements for handling and storing of human remains by Centralized Embalming Facilities are set forth in Rule 61G8-24.0425, F.A.C. and s. 470.0301(2) and 470.0315, F.S.

Rule 61G8-33.004 shall now read:

The requirements for handling and storing of human remains by Cinerator Facilities are set forth in Rule 61G8-22.004(1), F.A.C. and s. 470.025, 470.0255, 470.0315 and 470.0355, F.S.

Rule 61G8-33.005, F.A.C., shall now read:

The requirements for handling and storing of human remains by Removal Services are set forth in Rule 61G8-24.024, F.A.C. and s. 470.0315 and 470.0355, F.S.

Rule 61G8-33.006, F.A.C, shall now read:

The requirements for handling and storing of human remains by Refrigeration Facilities are set forth in Rule 61G8-24.034, F.A.C. and s. 470.0315, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Retailer Compensation	53ER02-23

**SUMMARY OF THE RULE:** This emergency rule replaces 53ER01-67, Florida Administrative Code, and sets forth the manner of compensation to retailers.