

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: Food Permits; Requirements and Fees
 RULE NO.: 5K-4.020

PURPOSE AND EFFECT: The rule amendment establishes a fee charged by the Department to recover the costs incurred to reinspect food establishments that have received previous unsatisfactory reports of inspection. The Department reinspects these food establishments to verify compliance.

SUBJECT AREA TO BE ADDRESSED: Reinspection Fees, Verifying Compliance.

SPECIFIC AUTHORITY: 500.09(7), 570.07(23) FS.

LAW IMPLEMENTED: 500.12(1)(f), 500.147 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., June 24, 2002

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training Center, Basement Level, 3125 Conner Boulevard, Tallahassee, FL. Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) through (6) No change.

(7) Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection may be included in any administrative action taken against the establishment for violations of Chapter 500, F.S., or this Chapter, or may be billed separately by invoice of the department. If the cost of reinspection is billed separately by invoice, the fee shall be paid within 21 days receipt thereof. Failure to pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program. These costs shall be reviewed by October 1, annually, and the fee revised as necessary.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory and

2. No previous reinspection of the establishment has been conducted during the same calendar year.

(e) This rule shall become effective January 1, 2003.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.10, 500.12(1)(a), (b), (c), (d), 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Transportation
 RULE NO.: 33-601.503

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for provision of discharge transportation.

SUBJECT AREA TO BE ADDRESSED: Discharge Transportation.

SPECIFIC AUTHORITY: 944.09, 944.611, 944.613 FS.

LAW IMPLEMENTED: 20.315, 944.611, 944.613, 945.04 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 AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

or handicaps who need assistance may contact Garrett Wallace, District Clerk, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-8.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The terms defined in Rule 40E-8.021, F.A.C., shall apply throughout the District's consumptive use permit rules. In the event of a conflict or difference between the definitions contained in Rule 40E-8.021, F.A.C., and the definitions set forth in other District rules, the definitions in this Rule 40E-8.021, F.A.C., shall control for purposes of this chapter.

(1) through (18) No change.

(19) Net Flow of Freshwater – means the sum of freshwater inflow and evaporation from the water surface.

(20) Oligohaline Habitat Zone – means an area in an estuary where salinity conditions are low; generally within the range of 0.5 to 5.0 ppt.

(21)(19) Operations – means activities taken by the District for the movement of surface water through works of the District pursuant to Chapter 373, F.S.

(22)(20) Prevention Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently not violated, but are projected to be violated within twenty (20) years of the establishment of the minimum flow or level, if said prevention strategies are not implemented.

(23)(21) Recovery Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently violated.

(24)(22) Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.0361, F.S.

(25) St. Lucie River North Fork – means the surface waters that flow through the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road that collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873.712.20, y1064.390.41).

(26) St. Lucie River South Fork - means the surface waters that flow through the culverts located at state plane coordinates x902.512.67, y1.001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

(27) St. Lucie Estuary – means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

(28)(23) Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

(29)(24) Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, Amended _____.

PART III: MFL CRITERIA FOR LOWER WEST COAST REGIONAL PLANNING AREA AND MFL Criteria for Upper East Coast Regional Planning Area

40E-8.341 Minimum Flows and Levels: Surface Waters for Upper East Coast Planning Area.

St. Lucie Estuary. – Mean monthly flows to the St. Lucie Estuary should not fall below 28cfs from the Gordy Road structure to the St. Lucie River North Fork for two consecutive months during a 365-day period, for two consecutive years.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New _____.

PART IV: IMPLEMENTATION

40E-8.421 Prevention and Recovery Strategies.

(1) through (5) No change.

(6) St. Lucie River and Estuary. The following is the prevention strategy for the St. Lucia River and Estuary:

(a) Discharges from the North Fork will be managed within the operational protocols of the Ten Mile Creek Project scheduled to be completed by 2004. Flow targets will be consistent with the CERP performance requirements for Indian River Lagoon.

(b) A research and monitoring strategy for the North and South Forks of the St. Lucie River will be developed and implemented in coordination with the Upper East Coast Regional Water Supply Plan update.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hospice Services
 RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, March 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hospice Services.
 SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: 1:30 p.m., Monday, June 10, 2002

PLACE: 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Peggy Stafford, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-9990

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, March 2002 ~~July 1999~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 92, incorporated by reference in 59G-4.160. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE CHAPTER TITLE: Examinations
 RULE CHAPTER NO.: 61-11

RULE TITLE: Conduct at Test Site, and Notice of Protection
 RULE NO.: 61-11.007

PURPOSE AND EFFECT: The purpose of this rule development is to clarify the department's authority to use available technology to monitor examinations and to thoroughly investigate any conduct that may subvert the examination process.

SUBJECT AREA TO BE ADDRESSED: Monitoring and investigation of conduct that may subvert the examination process.

SPECIFIC AUTHORITY: 455.203(5), 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1)(e) 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: Michael D. Kooi, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)487-9636

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61-11.007 Conduct at Test Site, and Notice of Protection Privileges by and to the Department.

(1) The examination supervisor, proctors, and computer-based testing vendor are the Department's designated agents in maintaining a secure and proper examination administration.

(2) The department and its designated agents may use any technology reasonably necessary to protect the integrity and security of any license examination.

~~(3)~~ Any individual found by the Department or any board within the Department to have engaged in conduct which subverts or attempts to subvert the examination process may have his or her scores on the examination withheld and/or declared invalid, be disqualified from the practice of the profession, and/or be subject to the imposition of other appropriate sanctions by the Department or, if administered by a board within the Department, by the applicable board.

~~(4)~~ Conduct which subverts or attempts to subvert the examination process includes:

(a) Conduct which violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of the licensing examination; selling, distributing, buying, receiving or having unauthorized possession of any portion of a future or current licensing examination.

(b) Conduct which violates the standard of test administration, such as communicating with any other examinee during the administration of the examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination; having in one's possession during the administration of the licensing examination any

book, notes, written or printed materials or data of any kind, other than the examination materials distributed or specifically listed as approved materials for the examination room in the information provided to the examinee in advance of the examination date by the Department and/or the national supplier of the examination.

(c) Conduct which violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the examination; impersonating an examinee or having an impersonator take the licensing examination on one's own behalf.

(5)(4) Any violation of the conduct rules or other irregularities will be documented in writing by the Department's agent(s) and the documentation of the violation or irregularity will be presented to the appropriate regulatory board or departmental unit for consideration and action. The Department's agent(s) shall exercise extreme care in their documentation to ensure that the violation or irregularities are precisely recorded as they were witnessed.

(6) The department or its designated agents shall take steps reasonably necessary to prevent or investigate any conduct which subverts or attempts to subvert the examination process.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.07, Amended 6-22-88, Formerly 21-11.007, Amended 9-18-96, 2-25-01,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Examinations
 RULE NO.: 64B8-5.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirement that all three steps of the USMLE be successfully completed within 7 years.

SUBJECT AREA TO BE ADDRESSED: The 7 year requirement for passage of the USMLE.

SPECIFIC AUTHORITY: 458.309, 458.311(1)(h), 458.313(4), 456.017(1) FS.

LAW IMPLEMENTED: 458.311, 458.313, 456.017(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-5.001 Examinations.

(1) Pursuant to Subsection 456.017(1)(c), F.S., the Board hereby approves and designates the use of the United States Medical Licensing Examination prepared by the Federation of State Medical Boards of the United States, Inc. and the National Board of Medical Examiners (USMLE) ~~as the examination prescribed by section 458.311, F.S., for use by the Department and designates said examination as the Florida Board Examination, as that term is used in Section 6, Ch. 86-245, Laws of Florida.~~

(2) Any applicant who attempts to qualify for licensure by successfully completing the USMLE first used in 1994 shall meet the following requirements:

(a) A candidate may take any step or steps at any sitting and may take Step 3 only after completion of Steps 1 and 2. However, all steps must be successfully completed within a seven-year period. Applicants may exceed the seven-year requirement under the following conditions:

1. The applicant has successfully passed all three steps of the USMLE in no more than two attempts on each step; or

2. The applicant was enrolled in an M.D./Ph.D. program at the time the USMLE was taken.

(b) No change.

(3) through (5) No change.

Specific Authority 458.309, 458.311(1)(h), 458.313(4), 456.017(1) FS. Law Implemented 458.311, 458.313, 456.017(1) FS. History—New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for Adequacy of Medical Records
 RULE NO.: 64B8-9.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to require that patient medical records be maintained in English.

SUBJECT AREA TO BE ADDRESSED: Patient medical records.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.061, 458.331(1)(g), (h), (k), (m), (t), (gg), (hh) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.003 Standards for Adequacy of Medical Records.

(1) No change.

(2) A licensed physician shall maintain patient medical records in English, in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken or why an apparently indicated course of treatment was not undertaken.

(3) through (5) No change.

Specific Authority 458.309 FS. Law Implemented 456.061, 458.331(1)(g), (h), (k), (m), (t), (gg), (hh) FS. History—New 1-1-92, Formerly 21M-27.003, Amended 1-12-94, Formerly 61F6-27.003, Amended 9-3-95, Formerly 59R-9.003, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Exemptions for Persons Not Practicing in Florida; Change of Status RULE NO.: 64B8-12.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to ensure that the current rule is in compliance with statutory provisions and in compliance with the repeal of Rule 64B8-12.006, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Financial responsibility requirements.

SPECIFIC AUTHORITY: 458.309, 458.320 FS.

LAW IMPLEMENTED: 458.320 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Licensure as a Physical Therapist by Examination RULE NO.: 64B17-3.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure as a Physical Therapist by Examination.

SPECIFIC AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every applicant for examination for licensure as a physical therapist shall demonstrate to the Board that the applicant he satisfies the following qualifications:

~~(1) That he is eighteen years old.~~

~~(2) That he possesses a good moral character.~~

~~(1)(3) That the applicant he has received a bachelor's degree, or its equivalent, in physical therapy, which course of study has been approved for the training of physical therapists by the Commission on Accreditation for Physical Therapy Education (CAPTE), or its successor American Physical Therapy Association, the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation, at the time of his graduation.~~

~~(2) For foreign graduates a; and, if a foreign graduate, determination that the his credentials are as being deemed equivalent to education a bachelor's degree in physical therapy in the United States is required. Educational credentials ~~deemed~~ equivalent to those required for the education and preparation of physical therapists in this country shall be determined by using the guidelines of utilizing the National Council on Evaluation of Foreign Educational Credentials' materials published by the American Association of College Registrars and Admissions Officers and the guidelines of the Federation of State Boards of Physical Therapy (FSBPT) or its successor. When the Federation of State Boards of Physical Therapy guidelines are utilized, a minimum of 25 general education credits shall be required.~~

~~(3)(4) In order to permit the Board to determine whether the foreign graduate actually met the FSBPT guidelines, received an equivalent education in physical therapy, each applicant must demonstrate equivalency to the Board's Education Committee will consider and shall submit the following:~~

~~(a) Successful passage of a Board approved English proficiency examination if English was not the language of instruction.~~

~~(a) A certified or notarized photocopy of the original diploma evidencing the degree in physical therapy. A certified translation is required for any diploma which is not in English.~~

~~(b) An original sealed transcript or a certified or notarized photocopy of the original transcript and seal for all education evidencing equivalency of a United States bachelor's of science degree in physical therapy. A certified translation is required for each transcript which is not in English.~~

~~(b)(c) A report from the FSBPT or its successor, an appropriate credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of the approximately comparable level of educational achievement in the United States. Upon submission of the report, the agency will also present documentation to the committee evidencing that the individual or team conducting the evaluation and offering comments contained in the report is competent to conduct foreign credentials evaluations. This competency shall be demonstrated upon showing that the individual or team conducting the evaluation consist of:~~

~~1. A physical therapist with a license in good standing in any state or territory of the United States who has at least 2 years experience with accredited United States physical therapy education and curriculum design; and~~

~~2. An evaluator with at least 5 years experience in evaluating education and curriculum design and foreign academic credentials for the purpose of determining academic equivalency to a United States education.~~

~~(d) At a minimum, the report shall contain the following information:~~

~~1. Whether the total hours necessary to obtain a diploma in physical therapy is consistent with the requirements for diplomas from other programs offered by that institution.~~

~~2. Whether the institution is accredited by any governmental agency and, if so, which agency.~~

~~3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.~~

~~4. A detailed description of the meaning of the grading system and the method for converting numerical grades to letter grades.~~

~~5. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.~~

~~(e) The Committee shall recommend to the Board that it decline to consider any report which fails to meet the above criteria.~~

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure as a Physical Therapist Assistant 64B17-4.001
by Examination

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure as a Physical Therapist Assistant by Examination.

SPECIFIC AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3) 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every applicant for examination for licensure as a physical therapist assistant shall demonstrate to the Board that the applicant he satisfies the following qualifications:

~~(1) That he is eighteen years old.~~

~~(2) That he possess a good moral character.~~

~~(1)(3) That the applicant he has received a an associate's degree as a physical therapist assistant, or its equivalent, for physical therapist assistants, which course of study has been approved for the training of physical therapist assistants by the Commission on Accreditation for Physical Therapy Education (CAPTE), or its successor American Physical Therapy Association, the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation, at the time of his graduation.~~

~~(2) For foreign graduates, a; and, if a foreign graduate, determination that the his credentials are as being deemed equivalent to education an associate's degree for physical therapist assistants in the United States is required.~~

~~(3)(4) In order to permit the Board to determine whether the foreign graduate actually met Federation of State Boards of Physical Therapy (FSBPT) guidelines, received an equivalent education as a physical therapist assistant, each applicant must demonstrate equivalency to the Board's Education Committee will consider and shall submit the following:~~

(a) ~~Successful passage of a Board approved English proficiency examination if English was not the language of instruction. A certified or notarized photocopy of the original diploma evidencing the associate degree as a physical therapist assistant. A certified translation is required for any diploma which is not in English.~~

(b) ~~An original sealed transcript or a certified or notarized photocopy of the original transcript and seal for all education evidencing equivalency of a United States associate of science degree as a physical therapist assistant. A certified translation is required for each transcript which is not in English.~~

(b)(c) ~~A report from the FSBPT or its successor, an appropriate credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of the approximately comparable level of educational achievement in the United States. Upon submission of the report, the agency will also present documentation to the committee evidencing that the individual or team conducting the evaluation and offering comments contained in the report is competent to conduct foreign credentials evaluation. This competency shall be demonstrated upon showing that the individual or team conducting the evaluation consist of:~~

- ~~1. A physical therapist with a license in good standing in any state or territory of the United States who has at least 2 years experience with accredited United States physical therapy education and curriculum design; and~~
- ~~2. An evaluator with at least 5 years experience in evaluating education and curriculum design and foreign academic credentials for the purpose of determining academic equivalency to a United States education.~~

(d) ~~At a minimum, the report shall contain the following information:~~

- ~~1. Whether the total hours necessary to obtain a diploma as a physical therapist assistant is consistent with the requirements for diplomas from other programs offered by that institution.~~
- ~~2. Whether the institution is accredited by any governmental agency and, if so, which agency.~~
- ~~3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.~~
- ~~4. A detailed description of the meaning of the grading system and the method for converting numerical grades to letter grades.~~
- ~~5. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.~~

(e) ~~The Committee shall recommend to the Board that it decline to consider any report which fails to meet the above criteria.~~

Specific Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3) FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Requirements for Prevention of Medical Errors Education
 RULE NO.: 64B17-8.002

PURPOSE AND EFFECT: The Board proposes to create an education rule relating to the prevention of medical errors.

SUBJECT AREA TO BE ADDRESSED: Requirements for Prevention of Medical Errors Education.

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

REQUIREMENT FOR INSTRUCTION ON HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME AND PREVENTION OF MEDICAL ERRORS

64B17-8.002 Requirements for Prevention of Medical Errors Education.

(1) To receive Board approval for biennial renewal, courses on medical error prevention shall be two contact hours and include:

- (a) Medical documentation and communication,
- (b) Contraindications and indications for physical therapy management, and
- (c) Pharmacological components of physical therapy and patient management.

(2) Applicants for initial licensure must have completed at least two contact hours of medical error education. The Board shall accept coursework from accredited schools of physical therapy provided such coursework was completed after January 1, 2002.

(3) If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., the Board may apply up to one hour of the two-hour course if specifically related to error reduction and prevention methods used in that facility.

(4) The course may be used as part of the home study continuing education hours.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New _____.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLES:	RULE NOS.:
Licensure to Practice Midwifery Examination	64B24-2.001
Licensure by Examination	64B24-2.002
Licensure by Endorsement	64B24-2.003
	64B24-2.004

PURPOSE AND EFFECT: The Department of Health is proposing amendments to rules regulating the profession of licensed midwifery, in order to provide clarification regarding the requirements to obtain such a license.

SUBJECT AREA TO BE ADDRESSED: Application for licensure to practice midwifery in the state of Florida through examination or endorsement.

SPECIFIC AUTHORITY: 456.004(5), 467.005, 456.017 FS.

LAW IMPLEMENTED: 456.013, 456.031, 467.011, 456.017, 467.0125 FS.

A WORKSHOP ON THE PROPOSED RULE AMENDMENTS WAS HELD IN CONJUNCTION WITH THE COUNCIL'S PUBLIC MEETING VIA TELEPHONE CONFERENCE CALL, ON APRIL 12, 2002, WHICH WAS DULY NOTICED IN A PREVIOUS EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE:	RULE NO.:
Change of Status Fee	64B24-3.015

PURPOSE AND EFFECT: The Department of Health is proposing amendment to the fee rule establishing the costs of a change of licensure status for the profession of licensed midwifery.

SUBJECT AREA TO BE ADDRESSED: Fees paid for a change of licensure status.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

A WORKSHOP ON THE PROPOSED RULE AMENDMENTS WAS HELD IN CONJUNCTION WITH THE COUNCIL'S PUBLIC MEETING VIA TELEPHONE

CONFERENCE CALL, ON APRIL 12, 2002, WHICH WAS DULY NOTICED IN A PREVIOUS EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B24-3.015 Change of Status Fee.

The fee for processing a licensee's request to change licensure status at any time ~~other than at the beginning of a licensure cycle~~ shall be \$75.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 8-15-95, Formerly 59DD-3.015. Amended _____.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLES:	RULE NOS.:
Curriculum Guidelines	64B24-4.006
Clinical Training	64B24-4.007

PURPOSE AND EFFECT: The Department of Health is proposing amendment to rules governing the curriculum guidelines and clinical training requirements for persons seeking licensure as a midwife in the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The curriculum guidelines and clinical training requirements for persons seeking licensure as a midwife in the State of Florida.

SPECIFIC AUTHORITY: 467.005, 467.205(2) FS.

LAW IMPLEMENTED: 467.205 FS.

A WORKSHOP ON THE PROPOSED RULE AMENDMENTS WAS HELD IN CONJUNCTION WITH THE COUNCIL'S PUBLIC MEETING VIA TELEPHONE CONFERENCE CALL, ON APRIL 12, 2002, WHICH WAS DULY NOTICED IN A PREVIOUS EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLES:	RULE NOS.:
Renewal of Midwifery License	64B24-5.001
Inactive Status	64B24-5.002
Reactivation of Inactive License	64B24-5.003

PURPOSE AND EFFECT: The Department of Health is proposing amendments to rules regulating the profession of licensed midwifery to update provisions regarding licensure renewal and inactive status.

SUBJECT AREA TO BE ADDRESSED: Licensure renewal and inactive status licenses for the profession of licensed midwifery.

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.004(1), 467.013(3) FS.

A WORKSHOP ON THE PROPOSED RULE AMENDMENTS WAS HELD IN CONJUNCTION WITH THE COUNCIL'S PUBLIC MEETING VIA TELEPHONE CONFERENCE CALL, ON APRIL 12, 2002, WHICH WAS DULY NOTICED IN A PREVIOUS EDITION OF THE FLORIDA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLES:	RULE NOS.:
Continuing Education for Biennial Renewal	64B24-6.001
Continuing Education Requirements for Reactivation	64B24-6.002
Continuing Education Providers	64B24-6.004
Criteria for Continuing Education Programs	64B24-6.005

PURPOSE AND EFFECT: The Department of Health is proposing amendments to rules regulating continuing education requirements for the profession of licensed midwifery.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for the profession of licensed midwifery.

SPECIFIC AUTHORITY: 456.004, 467.005, 456.031, 467.012 FS.

LAW IMPLEMENTED: 381.0034, 456.013, 456.031, 467.012 FS.

A WORKSHOP ON THE PROPOSED RULE AMENDMENTS WAS HELD IN CONJUNCTION WITH THE COUNCIL'S PUBLIC MEETING VIA TELEPHONE CONFERENCE CALL, ON APRIL 12, 2002, WHICH WAS DULY NOTICED IN A PREVIOUS EDITION OF THE FLORIDA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLES:	RULE NOS.:
Definitions	64B24-7.001
Qualifications Necessary for Practice	64B24-7.002
Risk Assessment	64B24-7.004
Informed Consent	64B24-7.005
Preparation for Home Delivery	64B24-7.006
Responsibilities of Midwives During the Antepartum Period	64B24-7.007
Responsibilities of Midwives During Intrapartum	64B24-7.008
Responsibilities of the Midwife During Postpartum	64B24-7.009
Collaborative Management	64B24-7.010
Administration of Medicinal Drugs	64B24-7.011
Emergency Care Plan	64B24-7.012
Requirement for Insurance	64B24-7.013
Patient Records	64B24-7.014
Exemption for Registered Nurses and Certified Nurse-Midwives	64B24-7.017

PURPOSE AND EFFECT: The Department of Health is proposing amendments to rules regulating the responsibilities of licensed midwives during the course of their professional duties. Additionally, repeal is proposed for certain rules that have been determined to be unnecessary.

SUBJECT AREA TO BE ADDRESSED: Professional responsibilities of a licensed midwife.

SPECIFIC AUTHORITY: 456.004, 467.005, 409.908(12) FS.

LAW IMPLEMENTED: 467.014, 467.015, 467.016, 467.019, 409.908(12) FS.

A WORKSHOP ON THE PROPOSED RULE AMENDMENTS WAS HELD IN CONJUNCTION WITH THE COUNCIL'S PUBLIC MEETING VIA TELEPHONE CONFERENCE CALL, ON APRIL 12, 2002, WHICH WAS DULY NOTICED IN A PREVIOUS EDITION OF THE FLORIDA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Pre-Qualification and Licensure of Emergency Adjusters RULE NO.: 4-220.001

PURPOSE, EFFECT AND SUMMARY: To adopt and incorporate Form DI4-1297 into rule by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1), 626.8732, 626.8734 FS.

LAW IMPLEMENTED: 624.307(1), 626.8732, 626.8734, 626.874, 626.878, 626.9541(1)(b), (i) FS.

IF REQUESTED IN WRITING 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: 9:00 a.m., June 18, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Huggins, Bureau Chief, Division of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5405

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-220.001 Pre-Qualification and Licensure of Emergency Adjusters.

(1) through (7) No change.

(8) Non-Resident Public and Independent Adjusters. Non-Resident Public and Independent Adjusters are required to annually execute Form DI4-1297, "Affidavit of Insurance For Non-Resident Public and Independent Adjusters", rev. 8/98 which is hereby adopted and incorporated by reference.

Specific Authority 624.308(1), 626.8732, 626.8734 FS. Law Implemented 624.307(1), 626.8732, 626.8734, 626.874, 626.878, 626.9541(1)(b), (i) FS. History--New 2-25-93, Amended 8-18-94, 1-7-97, 10-20-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Bureau Chief, Division of Agent and Agency Licensing, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Division Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2002

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses Which are Funded Through The Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation RULE NO.: 6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to update the document "Course Code Directory and Instructional Personnel Assignments," as incorporated by reference in the rule. This document provides public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical and adult schools of Florida including related teacher certification coverages.

SUMMARY: The proposed amendment incorporates an updated "Course Code Directory and Instructional Personnel Assignments" which lists by number, abbreviation, and title each approved course or program that may be taught in the public schools and the related teacher certification coverages.

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 the notice.

SPECIFIC AUTHORITY: 236.081 FS. LAW IMPLEMENTED: 229.592, 232.246, 236.081, 240.40202 FS.