

For more information, contact: Michael D. LeRoy, PE, 2600 Blair Stone Road, MS 3520, Tallahassee, Florida 32399-2400, (850)245-8632.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Patient Records; Costs of Reproduction; Timely Release  
RULE NO.: 64B15-15.003

PURPOSE AND EFFECT: The Board proposes the rule amendments to address the conditions for the release of patient medical records, and also to update the law implemented citation.

SUMMARY: The proposed rule amendments address the requirements and the timeliness for release of patient medical records, and also deletes an incorrect law implemented 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.057, 459.005 FS.

LAW IMPLEMENTED: 456.057, 455.242 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 22, 2003 IN FT. LAUDERDALE, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-15.003 Patient Records; Costs of Reproduction; Timely Release ~~Reproducing Medical Records~~

(1) Any Osteopathic Physician ~~person licensed pursuant to Chapter 459, F.S., who makes an examination of or administers treatment to any person shall upon request of such person or his/her legal representative required to~~ release copies of all reports or patient medical records made of such examination or treatment, including x-rays. The furnishing of such copies shall not be conditioned upon payment of an unpaid or disputed fee for services rendered, but may be conditioned ~~may condition such release~~ upon payment by the requesting party of the reasonable costs of reproducing the records.

(2) through (3) No change.

(4) An Osteopathic Physician shall comply with a patient's written request for copies of records and reports in a timely manner, with due regard for the patient's health needs. In the absence of circumstances beyond the control of the licensee, timely shall mean less than 30 days.

Specific Authority 456.057, 459.005 FS. Law Implemented 456.057, ~~455.242~~ FS. History—New 10-28-91, Formerly 21R-15.003, 61F9-15.003, 59W-15.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER NO.: 9B-3  
RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE NO.: 9B-3.047  
RULE TITLE: State Building Code Adopted

**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. 28, No. 46, November 15, 2002, issue of the Florida Administrative Weekly.

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as revised by the Florida Building Commission on ~~November 6, 2001~~, is hereby adopted and incorporated by reference as the building code for the State of Florida.

NOTE: The following sections of the Florida Building Code were changed as a result of public comments received at the Rulemaking Hearing of December 10, 2002. The text of the proposed amendments may be viewed on-line at [www.floridabuilding.org](http://www.floridabuilding.org).

Specific Authority 553.73(1), ~~(2), (7), 553.842~~ FS. Law Implemented 553.72, 553.73~~(2), (3), (7), (9), 553.842~~ FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, \_\_\_\_\_.

- Florida Building Code, Building
  - Section 419, Hospitals
  - Section 420, Nursing Homes
  - Section 424.2.2, Definitions
- Section 424.2.6.6.3, Entrapment Avoidance
  - Section 424.2.6.6.5, Cleaner Fitting
- Section 424.2.17.1.15 Child Safety Barriers
  - Section 1004.1.2

Chapter 13 was revised to update the reference, ASHRAE Handbook of Fundamentals, from the previous edition to the 2001 edition for code consistency.

Section 1507.9.2 was revised to revert to the original language.

- Section 1707.4.3.3
  - Florida Building Code, Mechanical
    - Section 403.3 Ventilation Rate.
      - Section 601.4

Section 507.13.3 Medium Temperature.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091.

**DEPARTMENT OF REVENUE**

RULE NO.:                      RULE TITLE:  
 12-6.001                      Application of Rules  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12-6.001, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly (Vol. 28, No. 44, pp. 4748-4758). These changes are in response to written comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

Subsection (3) will be added to the proposed amendments to Rule 12-6.001, F.A.C., so that, when adopted, this subsection will read as follows:

(3)(a) For the purposes of the extensions of time authorized in Rules 12-6.002, 12-6.003, 12-6.0033, 12-6.030, and 12-6.032, F.A.C., a taxpayer’s request for an extension will be granted, unless the Department determines that the request should be denied. A request for an extension will be denied when it is apparent from the best information available to the Department that: the taxpayer does not intend to comply with the requirements of the rule; or, the taxpayer intends to delay the procedures established by the rule; or, there is significant endangerment to the revenues involved in the protest. The Department will notify the taxpayer in writing of such determination, and such notification will grant the taxpayer 10 consecutive calendar days to comply with the rule’s requirements.

(b) For the purposes of any joint agreement to extend the time to conduct a conference authorized in Rules 12-6.0023 or 12-6.030, F.A.C., a taxpayer’s request to schedule the conference after the 40-day period will be granted, unless the Department determines that the request should be denied. A request will be denied when it is apparent from the best information available to the Department that: the taxpayer does not intend to comply with the requirements of the rule; or, the taxpayer intends to delay the procedures established by the rule; or, there is significant endangerment to the revenues involved in the protest. The Department will notify the taxpayer in writing of such determination, and such notification will grant the taxpayer 10 consecutive calendar days to comply with the rule’s requirements.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NOS.:	RULE TITLES:
64B5-14.001	Definitions
64B5-14.002	Prohibitions
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permits
64B5-14.004	Additional Requirements
64B5-14.005	Application for Permit
64B5-14.006	Reporting Adverse Occurrences
64B5-14.007	Inspection of Facilities
64B5-14.009	Parenteral Conscious Sedation

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 45, November 8, 2002 issue of the Florida Administrative Weekly. The changes are being made in response to further review by the Board during the November, 2002 meeting. In addition to new text as set forth below in Rules 64B5-14.001 and 64B5-14.002, F.A.C., the Board decided to retain the word “parenteral” in every instance where it had been marked for deletion in the November 8, 2002 Notice of Proposed Rulemaking.

The changes are as follows:

1. Rule 64B5-14.001(10) to read as follows: Minimal Sedation (anxiolysis) – The perioperative use of medication to relieve anxiety before or during a dental procedure which does not produce a depressed level of consciousness and maintains the patient’s ability to maintain an airway independently and to respond appropriately to physical and verbal stimulation. This minimal sedation shall include the administration of a single enteral sedative or a single narcotic analgesic medication administered in doses appropriate for the unsupervised treatment of anxiety and pain. If clinically indicated, an opioid analgesic may also be administered during or following a procedure if needed for the treatment of pain. Except in extremely unusual circumstances, the cumulative dose shall

not exceed the maximum recommended dose (as per the manufacturers recommendation). It is understood that even at appropriate doses a patient may occasionally drift into a state that is deeper than minimal sedation. As long as the intent was minimal sedation and all of the above guidelines were observed, this shall not automatically constitute a violation. A permit shall not be required for the perioperative use of medication for the purpose of providing anxiolysis.

2. Rule 64B5-14.001(11), F.A.C., to read as follows: Titration of Oral Medication – The administration of small incremental doses of an orally administered medication until an intended level of conscious sedation is observed.

3. Rule 64B5-14.002(7), F.A.C., to read as follows: Titration of Oral Medication. The Board of Dentistry has determined that the perioperative titration of oral medication(s) with the intent to achieve a level of conscious sedation poses a potential overdosing threat due to the unpredictability of enteral absorption and may result in an alteration of the state of consciousness of a patient beyond the intent of the practitioner. Such potentially adverse consequences may require immediate intervention and appropriate training and equipment. Beginning with the effective date of this rule, no dentist licensed in this state shall use any oral medication(s) to induce conscious sedation until such dentist has obtained a permit as required by the provisions of this rule chapter. The use of enteral sedatives or narcotic analgesic medications for the purpose of providing minimal sedation (anxiolysis) as defined by and in accordance with Rule 64B5-14.001(10) shall not be deemed titration of oral medication and shall not be prohibited by this rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE NO.: 64B15-12.003                      RULE TITLE: Applications for Licensure

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 47, November 22, 2002 issue of the Florida Administrative Weekly. The change is being made in response to comments from the Joint Administrative Procedures Committee.

Paragraph (2) shall read as follows: Applicants for licensure examination must have their application forms and fees submitted and received by the Board office and all information and documentation complete at least 30 days before the scheduled Board meeting in order to be considered by the Board. Applicants making initial application for licensure shall complete educational courses approved by the board pursuant

to Rule 64B15-13.001, F.A.C., on human immunodeficiency virus and acquired immune deficiency syndrome, domestic violence, and prevention of medical errors. Any applicant who has not completed any such courses at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**Section IV  
Emergency Rules**

**NONE**

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF CITRUS**

NOTICE IS HEREBY GIVEN that on December 20, 2002, the State of Florida, Department of Citrus, received a Petition from Tropicana Products, Inc., a licensed citrus fruit dealer located in Bradenton, Florida, for an Emergency Variance/Waiver from Chapter 20-66.004, Florida Administrative Code, which provides for 100% Florida Grapefruit Juice products to carry the statement “100% Florida Grapefruit Juice” on the label. The request for an emergency variance/waiver is to allow Tropicana Products, Inc., to ship 22,000 cases of 10 ounce bottles of Tropicana brand Grapefruit Juice from concentrate without adding the required statement to the labels.

A copy of the Petition may be obtained from: Alice P. Wiggins, License and Regulation Specialist, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

**DEPARTMENT OF THE LOTTERY**

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-61(5), F.A.C., *Procedures for Awarding Prizes*, from each of the following petitioners:

Petitioner	Date Filed
Martha Ann Doctor, Clewiston, Florida	December 20, 2002
Ivan J. Fraga, Hialeah, Florida	December 24, 2002
Mickford Mackoon, Cape Coral, Florida	December 24, 2002
Mary A. Murphy, Spring Hill, Florida	December 24, 2002
Jessica Sanchez, Orlando, Florida	December 23, 2002

Emergency Rule 53ER02-61, F.A.C, sets forth the provisions for payment of prizes to players.