

12.013(5) Failing to examine the transaction documentation and failing to determine their accuracy 1

SAMPLES:

No change.

ADULTERATED & MISBRANDED:

No change.

COUNTERFEIT:

No change.

FALSE & MISLEADING:

No change.

UNAUTHORIZED SOURCE OR RECIPIENT:

No change.

POSSESSION:

No change.

(5) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History--New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Annie R. Neasman, R.N., M.S., Deputy Secretary for Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 7, 2003

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-4.0021	Florida Teacher Certification Examinations
6A-4.00821	Florida Educational Leadership Examination

NOTICE OF CORRECTION

Notice is hereby given that the meeting of the State Board of Education to be held on February 18, 2003, has been changed from 325 West Gaines Street, Tallahassee, Florida, to LaVilla Middle School of the Arts, 501 North Davis Street, Jacksonville, Florida. Included on the agenda are proposed Rules 6A-4.0021, Florida Teacher Certification Examinations, and 6A-4.00821, Florida Educational Leadership Examination, as advertised in Vol. 29, No. 3, January 17, 2003, Florida Administrative Weekly.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-10	Outdoor Advertising Sign Regulation and Highway Beautification Program

RULE NO.:	RULE TITLE:
14-10.0052	Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs

NOTICE OF ADDITIONAL HEARING

NOTICE: An additional hearing is scheduled to discuss the changes resulting from the public hearing which was held on December 18, 2002.

The hearing is scheduled as follows:

TIME AND DATE: 9:00 a.m., April 3, 2003

PLACE: Haydon Burns Building, 605 Suwannee Street, Fourth Floor Conference Room (Room 479), Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 28, No. 48, November 22, 2002.

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE NO.:	RULE TITLE:
25-17.0832	Firm Capacity and Energy Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rulemaking to amend Rule 25-17.0832, as noticed in Vol. 27, No. 38, September 21, 2001, Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-22	Year-Round Water Conservation Measures

CORRECTED NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that a public hearing will be held regarding the Notice of Proposed Rulemaking for Chapter 40D-22, F.A.C., to update the Year-Round Water Conservation Measures published in Vol. 28, No. 47, Pages 5203 through 5213 on November 22, 2002 of the Florida Administrative Weekly. The hearing will commence upon the conclusion of the first day of the Southwest Florida Water Management District's monthly Governing Board Meeting on March 25, 2003 in the Boardroom of the Southwest Florida Water Management District's Brooksville Office at 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211.

A copy of the agenda may be obtained by writing: the Southwest Florida Water Management, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 28, No. 48, November 27, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.010
 RULE TITLE: Disciplinary Guidelines

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.

(5) VIOLATIONS AND RANGE OF PENALTIES

(y) Section 455.227(1)(c), F.S. –
Being convicted or found guilty of
a crime related to the practice of a
licensee's or registrant's
profession.

<u>First Offense</u>	<u>One year suspension;</u> <u>\$1000 fine; costs</u>	<u>Revocation;</u> <u>\$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension;</u> <u>\$1500 fine; costs</u>	<u>Revocation;</u> <u>\$5000 fine; costs</u>
<u>Third Offense</u>	<u>Two years suspension;</u> <u>\$3000 fine; costs</u>	<u>Revocation;</u> <u>\$5000 fine; costs</u>

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.001
 RULE TITLE: Definitions

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. 29, No. 5, January 31, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments from the Board meeting held on January 24, 2003

1. Subsection 61G6-5.001(5), F.A.C., will now read:

(5) Electrical contractor or unlimited electrical contractor" means a person as defined in Section 489.505(12), Florida Statutes, whose scope of practice is not limited to a specific segment of electrical contracting. An electrical contractor or unlimited electrical contractor shall be either certified or registered. An electrical contractor is licensed to design electrical services up to and including 800 amps up to 600 volts maximum.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 02-17R

RULE CHAPTER NO.: 62B-34
 RULE CHAPTER TITLE: General Permit for Activities Seaward of the Coastal Construction Control Line

RULE NO.: 62B-34.070
 RULE TITLE: General Permit for Single Family Dwellings and Associated Minor Structures or Activities

NOTICE OF CHANGE

This notice is being republished and replaces the previous Notice of Change published on January 17, 2003. 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 published in Vol. 28, No. 48, (November 27, 2002), issue of the Florida Administrative Weekly. These changes are made in response to written and oral comments from the Joint Administrative Procedures Committee and staff recommendations.

The full text of this notice, showing changes to the proposed rulemaking language, is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

If you have additional questions please contact Rosaline Beckham, (850)488-3181.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.832
 RULE TITLE: Standards of Practice for Filling Prescriptions Generated Through the Internet

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 27, July 5, 2002 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program Office

RULE NOS.:	RULE TITLES:
65D-30.003	Department Licensing and Regulatory Standards
65D-30.004	Common Licensing Standards
65D-30.007	Standards for Residential Treatment
65D-30.008	Standards for Day or Night Treatment with Host Homes
65D-30.009	Standards for Day or Night Treatment
65D-30.0091	Standards for Intensive Outpatient Treatment
65D-30.010	Standards for Outpatient Treatment
65D-30.011	Standards for Aftercare
65D-30.012	Standards for Intervention
65D-30.014	Standards for Medication and Methadone Maintenance Treatment

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. These changes are in response to comments received during the public hearing and written response to the proposed rulemaking by the Joint Administrative Procedures Committee.

65D-30.003 Department Licensing and Regulatory Standards.

~~For purposes of this rule, “district office” and “Substance Abuse Program Office” are used whenever the standards to be implemented are applied to one or the other level of department operations. The term “department” is used whenever there is no distinction in the implementation of standards within department operations.~~

(1) Licensing.

~~(b) Licensing Inspections. The district offices will be responsible for conducting licensing inspections and issuing licenses.~~

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

~~(d)(e) Special Information Displayed on Licenses. In the case of addictions receiving facilities, detoxification, and residential treatment, each license shall include the licensed bed capacity. The department district office shall identify on the license those components provided in each facility that are accredited by a department recognized accrediting organization such as the Commission on Accreditation of Rehabilitation Facilities (CARF), ~~Rehabilitation Accreditation Commission, known as CARF~~, the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA). In the case of providers or components of providers that are accredited, licenses shall also~~

include the statement, “THIS LICENSE WAS ISSUED BASED, IN PART, ON THE SURVEY REPORT OF A DEPARTMENT RECOGNIZED ACCREDITING ORGANIZATION.” This statement would not be included on the license when issuance is also based on the results of the department’s licensing inspections.

(2) Categories of Licenses; issuance.

(a) Probationary License.

2. Reissuing a Probationary License. A probationary license expires 90 days after it is issued. The department district office may reissue a probationary license for one additional 90-day period. ~~The district office may take this action if the department~~ it determines that the applicant needs additional time to become fully operational and has substantially complied with all requirements for a regular license or has initiated action to satisfy all requirements.

3. Special Requirements Regarding Probationary Licenses. The following special requirements apply regarding new applicants.

b. New applicants that lease or purchase any real property during the application process do so at their own risk. Such lease or purchase does not obligate the department district office to approve the applicant for licensing.

c. In those instances where an applicant fails to admit clients for services during the initial probationary period, the department district office shall not issue a regular license, even where other standards have been met. However, the department district office may reissue a probationary license if it finds that the applicant can provide evidence of good cause for not having admitted clients during the initial 90-day probationary period.

4. Issuing New Licenses. In those instances where all licenses issued to a provider have the same expiration dates, any additional licenses that are issued to the provider during the effective period will carry the same expiration date as provider’s existing licenses. ~~Where necessary, licensure fees shall be prorated.~~

(b) Regular License.

2. Applications for Renewal. In regard to applications for renewal of a regular license, the department district office must receive a completed application no later than 60 days before the provider’s current license expires.

(c) Interim License.

1. Conditions Permitting Issuance. An interim license will replace a regular license for a period not to exceed 90 days, where the department district office finds that any one of the following conditions exist.

2. Reissuing an Interim License. The department district office may reissue an interim license for an additional 90 days at the end of the initial 90-day period in the case of extreme hardship. In this case, reissuing an interim license is permitted when inability to reach full compliance can not be attributed to the provider.

(3) Changing the Status of Licenses. Changes to a provider's license shall be permitted under the following circumstances.

(a) If a new component is added to a facility's regular license, the department district office will issue a separate probationary license for that component. Once the provider has satisfied the requirements for a regular license, the department district office shall reissue an amended regular license to include the new component.

(b) If a component of a facility operating under a regular license is found to be in substantial noncompliance, a separate interim license will be issued by the department district office for that component and the provider will return its regular license to the department district office. The department district office will reissue an amended regular license. Once the provider has satisfied the requirements of a regular license for that component, the department district office will reissue another amended regular license to include that component.

(c) A provider's current license shall be amended when a component is discontinued. In such cases, the provider shall send its current license to the department district office only after receipt of an amended license. Components not affected by this provision shall be permitted to continue operation.

(d) Whenever there is a change in a provider's licensed bed capacity equal to or greater than 10 percent, the provider shall immediately notify the department district office which shall, within 5 working days of receipt of notice, issue an amended license to the provider.

(e) When there is a change in a provider's status regarding accreditation, the provider shall notify the department district office in writing within 5 working days of such change. In those instances where the change in status will adversely affect the provider's license or requires other sanctions, the department district office shall notify the provider within 5 working days of receipt of the notice of the department's district office's pending action.

(4) License Non-transferable.

(b) Submitting Applications. A completed application, Form 4024, shall be submitted to the department district office at least 30 days prior to acquisition or relocation.

1. Acquisition. In addition to Form 4024, the applicant shall be required to submit all items as required in subsection 65D-30.003(6), F.A.C. When the application is considered complete, the department district office shall issue a probationary license.

2. Relocation. In addition to Form 4024, if there is no change in the provider's services, the provider shall only be required to provide proof of liability insurance coverage and compliance with fire and safety standards established by the State Fire Marshall, health codes enforced at the local level, and zoning. If there is a change in the provider's services, the provider shall be required to submit all items as required in subsection 65D-30.003(6), F.A.C. In this latter case, when the

department district office determines the application to be complete, the department district office shall issue a probationary license.

(6) Application for Licensing.

Applications for licensing shall be submitted initially and annually thereafter to the department district office along with the licensing required fee. Unless otherwise specified, all applications for licensure shall include the following:

(a) A standard application for licensing, C&F-SA Form 4024, September 2001, titled Application for Licensing to Provide SUBSTANCE ABUSE SERVICES, incorporated herein by reference, (Copies of C&F-SA Form 4024 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700);

(d) A copy of the client service fee schedule and policy regarding a client's/participant's financial responsibility (Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);

(t) Proof of the availability and provision of meals for addictions receiving facilities, residential detoxification, residential treatment, day or night treatment with host homes, and day or night treatment, if applicable in the latter component (Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);

Items listed in paragraphs (a)-(k) must accompany the application for a license. However, regarding items in paragraph (h), only new applicants will be required to submit this information with the application. Items listed in paragraphs (l)-(v), including items in paragraph (h) for renewal applicants, must be made available for review at the provider facility. In addition, documents listed in paragraphs (a)-(v) that expire during the period the license is in effect shall be renewed by the provider prior to expiration and the department district office shall be notified by the provider in writing immediately upon renewal or in the event renewal does not occur.

(7) ~~Licensing Inspections of Accredited Providers.~~

This subsection implements Section 394.741, F.S. This subsection applies to licensing inspections of providers or components of providers that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), Rehabilitation Accreditation Commission, known as CARF, Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), Council on Accreditation (COA), or other department approved accrediting organizations. (a) Licensing Inspections of Accredited Providers. For those providers or components of providers that are accredited, the department district office shall conduct a licensing inspection once every 3 years.

(b) License Application. Accredited providers shall submit an application for licensing, Form 4024, to the department district office annually. The form shall be accompanied by:

(c) Determination of Accreditation. As indicated in paragraph (b), providers shall submit a copy of the accreditation survey report to the department district office annually. The department district office shall review the report and confirm that accreditation has been awarded for the applicable components. If the survey report indicates that the provider or any components of the provider have been issued provisional or conditional accreditation, the department district office shall conduct a licensing inspection as permitted in paragraph (d).

(d) Inspections of Accredited Providers. In addition to conducting licensing inspections every three years, the department has district offices have the right to conduct inspections of accredited providers in accordance with subsection 394.741(6), F.S., and subsections 397.411(3), (4), and (5), F.S., in those cases where any of the following conditions exist.

1. The accredited provider or component of the provider fails to submit the accreditation report and any corrective action plan related to its accreditation upon request by the department district office.

3. The department's district office's investigation of complaints results in findings of one or more violations of the licensing standards of any accredited component.

4. The department district office has identified significant health and safety problems.

The department district office shall notify the provider of its intent to conduct an inspection in response to any of the conditions provided for under this paragraph.

(8) Authorized Agents; qualifications. Prior to being designated as an authorized agent of the department a person shall:

(b) Demonstrate knowledge of Chapter 397, F.S., Chapter 65D-30, F.A.C., department policy related to licensing and regulation of providers, federal regulations which directly affect the department or providers, accreditation standards from the Commission on Accreditation of Rehabilitation Facilities (CARF), Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA), applicable accreditation standards, and other rules and statutes referenced herein;

(9) Department Licensing Procedures.

(a) District Office Licensing Procedures.

3. Licensing Determination. ~~When conducting licensing inspections, the district offices shall use the "Substance Abuse Monitoring Instrument," dated October 1, 2002.~~ A performance-based rating system shall be used to evaluate a provider's compliance with licensing standards. Providers shall attain at least 80 percent compliance overall on each component reviewed. This means that each component within

a facility operated by a provider is subject to the 80 percent compliance requirement. If any component within a facility falls below 80 percent compliance, an interim license would be issued for that component. In addition, there may be instances where a component is rated at an 80 percent level of compliance overall but is in substantial noncompliance with standards related to the health, safety, and welfare of clients and staff. This would include significant or chronic violations regarding standards that do not involve direct services to clients. In such cases, the district office districts shall issue an interim license to the provider or take other regulatory action permitted in Section 397.415, F.S.

(10) Closing a Licensed Provider. Providers shall notify the department district offices in writing at least 30 days prior to voluntarily ceasing operation. If a provider, facility, or component is ordered closed by a court of competent jurisdiction pursuant to subsection 397.415(4), F.S., the provider shall maintain possession of all its records until the court order becomes final. The provider remains responsible for giving the department district office access to its records. In the interim, the provider, with the department's district office's assistance, shall attempt to place all active clients in need of care with other providers. The department respective district office shall provide assistance in placing clients. The provider shall return its license to the department district office by the designated date of closure.

(13) Approval of Overlay Services.

(a) Qualifying as Overlay Services. A provider that is licensed under Chapter 397, F.S., to provide day or night treatment, intensive outpatient treatment, outpatient treatment, aftercare, intervention, or prevention Level 2, is permitted to deliver those component services at locations which are leased or owned by an organization other than the provider. The aforementioned component services may be delivered under the authority of the provider's current license for that component service so that the alternate location will not require a license. To qualify, overlay services shall be provided on a regular or routine basis over time, at an agreed upon location.

(b) Procedure for Approving Overlay Services.

1. The provider shall submit a request to provide overlay services to the department district office along with:

a. through e. No change.

2. The department district office shall notify the provider within 30 days of receipt of the request to provide overlay services of its decision to approve or deny the request and, in the case of denial, reasons for denying the request in accordance with subparagraph 3.

3. The department district office reserves shall deny the request to provide overlay services if it determines that the provider did not address the specific items in subparagraph 1., or is currently operating under less than an interim license.

4. In those cases where the request to provide overlay services is approved, the department district office shall add to the provider's current license application, the information required in subparagraph 1., and clearly specify the licensed component that will be provided as overlay.

(c) Special Requirements.

4. Overlay services may only be provided within the geographical boundaries of the department's district office that issued the license.

(15) Licensing of Department of Juvenile Justice Commitment Programs and Detention Facilities. In those instances where substance abuse services are provided within Juvenile Justice Commitment Programs and detention facilities, such services may be provided in accordance with any one of the four conditions described below.

(a) The services must be provided in a facility that is licensed under Chapter 397, F.S., for the appropriate licensable service component as defined in subsection 65D-30.002(16), F.A.C. ~~Additionally, a residential commitment program that provides substance abuse treatment may be licensed under residential treatment, day or night treatment, or outpatient treatment, based upon contractual conditions as required by the Department of Juvenile Justice.~~

Specified Authority 397.321(5) FS. Law Implemented 20.19(10), 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 307.409, 397.411, 397.415, 397.419, 397.752, 633.022 FS. History—New 5-25-00, Amended _____.

65D-30.004 Common Licensing Standards.

(3) Provider Governance and Management.

(a) Governing Body. Any provider that applies for a license, shall be a legally constituted entity. Providers that are government-based and providers that are for-profit and not-for-profit, as defined in Section subsections 397.311(13) and (20), F.S., shall have a governing body that shall set policy for the provider. The governing body shall maintain a record of all meetings where business is conducted relative to provider operations. These records shall be available for review by the department.

(4) Personnel Policies.

(a) Personnel Records.

7. Documentation of required staff training (Inmate Substance Abuse Programs operated by the Department of Corrections are exempt from the provisions of this subparagraph).

(12) Client/Participant Records.

(b) Record Retention and Disposition. In the case of individual client/participant records, records shall be retained for a minimum of seven years. The disposition of client/participant records shall be carried out in accordance with Title 42, Code of Federal Regulations, Part 2, and subsection 397.501(7), F.S. In addition, records shall be maintained in accordance with Children and Families Operating Procedures (CFOP) 15-4, Records Management, and Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule

used by Children and Families, incorporated herein by reference. Copies of CFOP 15-4 and CFP 15-7 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the time period specified for the retention of records and from applying the Children and Families Operating Procedures (CFOP) 15-4, Records Management, and Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements found in the Children and Families Operating Procedures (CFOP) 15-4, Records Management, and the Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule.

(21) Control of Aggression.

(b) Prohibitions. Under no circumstances shall clients be involved in the control of aggressive behavior of other clients. Additionally, aggression control techniques shall not be employed as punishment or for the convenience of staff. Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement.

~~Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection.~~ Juvenile Justice Commitment Programs and detention facilities shall implement this subsection in accordance with Florida Department of Juvenile Justice Policies and Procedures, policy Number 1508-03, titled Protective Action Response (PAR) Policy that includes policies and procedures on the use of physical force and restraining devices. This policy may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(27) Incident Reporting Pursuant to paragraph 397.419(2)(f), F.S. Incident reporting is required of all providers and shall be conducted in accordance with Children and Families Operating Procedure (CFOP) 215-6, incorporated herein by reference. Copies of CFOP 215-6 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Incident reporting shall include the following:

(28) Confidentiality. Providers shall comply with Title 42, Code of Federal Regulations, Part 2, titled "Confidentiality of Alcohol and Drug Abuse Patient Records," and with subsections 397.419(7), ~~397.451(10)~~, and 397.501(7), F.S., paragraphs 397.6751(2)(a) and (c), F.S., and Section 397.752, F.S., regarding confidential client information.

(29) Client Rights.

(c) Implementation of Client Rights Requirements by Department of Corrections. In lieu of the requirements of this subsection, and in the case of Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the Department of Corrections shall adhere to the requirements found in Chapter 33-103, F.A.C., titled Inmate Grievances ~~establish rules regarding inmate grievances as provided for in Section 944.331, F.S., titled Inmate Grievance Procedure.~~

(34) Facility Standards. Facility standards in paragraphs (a)-(k)(+) apply to addictions receiving facilities, residential detoxification facilities, and residential treatment facilities. Facility standards in paragraphs (f)(+)-(k)(+) apply to medication and methadone maintenance treatment.

~~(h) Facility Accessibility. Providers shall comply with requirements of the American Disabilities Act.~~

(i) through (k) renumbered (h) through (j) No change.

~~(k)(+) Compliance with Local Codes. All licensed facilities used by a provider shall comply with fire and safety standards enforced by the State Fire Marshall, pursuant to Section 633.022, F.S., rules established pursuant to Rule 4A-44.012, F.A.C., and with health and zoning codes enforced at the local level. All providers shall update and have proof of compliance with local fire and safety and health inspections annually. Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this paragraph.~~

(35) Offender Referrals Under Chapter 397, F.S.

(c) Provider Responsibilities.

1. If the offender is not appropriate for placement by the provider, this decision must immediately be ~~verbally~~ communicated to the referral source and documented in writing within 24 hours, stating reasons for refusal.

Specific Authority 397.321(5) FS. Law Implemented 20.19(10), 232, 384, 397.311(23),(28), 397.321(1), 397.405, 397.419, 397.451, 397.471, 397.501, 397.601, 397.675, 397.705, 397.706, 633.022, 944.026, 948 FS. History–New 5-25-00, Amended _____.

65D-30.007 Standards for Residential Treatment.

(2) Categories of Residential Treatment.

(e) Level 5 programs are those that provide only housing and meals to clients who are mandated to receive services at alternate locations in facilities that are owned and operated by the same provider receive services on a mandatory basis at a separate location. In this case, facilities used for room and board and those used for services are owned and operated by the same provider. This level is appropriate for persons who ~~do not need levels 1-4 residential services but who~~ need room and board while undergoing treatment ~~in a day or night, intensive outpatient, or outpatient component.~~ This level would utilize clinical services and other services that would be largely

oriented and directed toward the client’s lifestyle and the client’s attitudinal and behavioral issues. ~~Services may include medical and psychiatric consultation and structured programs built around the psychosocial assessment and treatment planning.~~

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(c), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.008 Standards for Day or Night Treatment with Host Homes.

(2) Responsibility Agreement. A written agreement between the day or night sponsoring provider and the host family, signed and dated by all parties involved, shall be executed. As used in this subsection, host family includes parents, stepparents, siblings, grandparents, stepsiblings, or any other family member participating in the program or living in the host home. The agreement shall state the responsibilities and liabilities of each party. The name, address, and telephone number of all host family members shall be included on the agreement. Host parents shall acknowledge, in writing, their agreement to protect the rights of clients in accordance with subsections ~~subsection~~ 397.501(1)-(10), F.S.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(c),(d), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.009 Standards for Day or Night Treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.009(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider. Otherwise, services ~~Services~~ shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) through (i) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(d), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.0091 Standards for Intensive Outpatient Treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.0091(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider.

Otherwise, services ~~Services~~ shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) through (h) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History–New _____.

65D-30.010 Standards for Outpatient Treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.010(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider. ~~Otherwise, services~~ ~~Services~~ shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) through (d) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.011 Standards for Aftercare.

(2) Services. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider. ~~Otherwise, the following services shall be provided.~~

(a) through (d) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.012 Standards for Intervention.

(2) Requirements for Treatment Alternatives for Safer Communities (TASC).

(b) Services.

2. Monitoring. Providers shall monitor and report the progress of each client according to the consent agreement with the client. Reports of client progress shall be provided to the criminal or juvenile justice system or other referral source as required, and in accordance with subsections Section 397.501(1)-(10), F.S.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(h), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.014 Standards for Medication and Methadone Maintenance Treatment.

(5) Maintenance Treatment Standards.

(i) Exemptions from Take Home Privileges and Phasing Requirements for Methadone Maintained Clients.

2. A client may be permitted a temporarily reduced schedule of attendance because of exceptional circumstances such as illness, personal or family crises, and travel or other hardship which causes the client to become unable to conform to the applicable mandatory schedule. This is permitted only if the client is also found to be responsible in handling methadone. The necessity for an exemption from a mandatory schedule is to be based on the reasonable clinical judgment of the physician and such determination of necessity shall be recorded in the client record by the physician who shall sign and date these entries. A client shall not be given more than a 14-day supply of methadone at any one time unless an exemption is granted by the state methadone authority and by the federal government, ~~where appropriate.~~

Specific Authority 397.21(5) FS. Law Implemented 397.311(19)(f), 397.321(1), 397.419, 397.427, 465 FS. History–New 5-25-00, Amended _____.

THE PERSON TO CONTACT REGARDING THE NOTICE OF CHANGE IS: Phil Emenheiser, (850)488-9210

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 470, CLUB CASINO
 RULE NO.: 53ER03-10
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 470, "CLUB CASINO," 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 estimated odds of winning, value, and 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

THE FULL TEXT OF THE EMERGENCY RULE IS:

- 53ER03-10 Instant Game Number 470, CLUB CASINO.
- (1) Name of Game. Instant Game Number 470, "CLUB CASINO."
 - (2) Price. CLUB CASINO lottery tickets sell for \$5.00 per ticket.
 - (3) CLUB CASINO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning CLUB CASINO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a