

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Public Assistance Programs
 RULE CHAPTER NO.: 65A-1

RULE TITLE: Administrative Definitions
 RULE NO.: 65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment will provide for the use of a paper or electronic/web-based application form to apply for public assistance. It will also clarify definitions related to eligibility for public assistance.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of a paper or electronic/web-based application form to apply for public assistance. Additionally, it clarifies definitions related to the eligibility process.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.31 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., April 6, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jennifer Lange, Chief of Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

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

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations
 RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to reflect the recommendations made by advisory committees consisting of practicing teachers, university faculty members, and school district administrators regarding various Florida Teacher Certification Examinations and the Competencies and Skills from which the examinations are derived. These recommendations include the adoption of the tenth edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations, a modification of the weighting for the English 6-12 subject area examination in order to make the weighting of the essay portion of the exam

consistent with other English exams, a change in the minimum score needed to pass the Professional Education and Exceptional Student Education examinations, clarification of the accommodations provided for reading, and clarification of the procedures for examinee reviews of scores. The effects of these changes are that updated competencies for 10 tests (Art K-12, Preschool Birth-Age 4, Health K-12, Spanish K-12, German K-12, French K-12, Biology 6-12, Chemistry 6-12, Earth/Space Science 6-12, Physics 6-12) will be available to examination candidates and colleges of education. Increasing the weighting for the essay portion of the English 6-12 examination will increase the reliability and validity of the overall English 6-12 examination by giving an appropriate level of emphasis to the essay portion. In addition this change aligns the requirements for both secondary English exams, English 6-12 and Middle Grades English. Raising the minimum score needed to pass the Professional Education test and the Exceptional Student Education examination will raise the validity of these assessments by setting more appropriate performance standards for the content assessed. The procedures for accommodations will assure that applicants taking a reading examination read the test themselves. Processing fees will be assessed for examinees that have failed an examination and wish to review their performance. A minimum period of 30 days will be required before a failing examinee can retake an examination after reviewing the examination that was failed.

SUMMARY: This rule is amended to adopt the tenth edition of Competencies and Skills Required for Teacher Certification in Florida, to provide consistency in the weighting of the essay portion of the exam consistent with other English exams, to adopt a new minimum score required to pass the Professional Education and Exceptional Student Education examinations, clarification of the accommodations provided for reading, and clarification of the procedures for examinee reviews of scores.

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: 1012.55(1), 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., April 19, 2005

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia S. Orr, Director, Assessment and School Performance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) No change.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the July 2005 ~~July 2004~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Tenth Ninth Edition."

2. Before July 1, 2005 ~~July 1, 2004~~, the professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Ninth Eighth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2005 ~~July 1, 2004~~, the professional competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Tenth Ninth Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 1, 2005 ~~July 1, 2004~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Ninth Eighth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2005 ~~July 1, 2004~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Tenth Ninth Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor's or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, F.A.C.

(3) through (5) No change.

(6) Examinee with a disability. An applicant who is unable to complete the examinations under standard testing conditions because of a disability may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language alone shall not ~~alone~~ be acceptable as a justifiable reason for requesting a reader for an examinee. Special arrangements shall be provided for applicants with disabilities.

(a) through (b) No change.

(c) Special test arrangements may include but are not limited to the following:

1. Flexible scheduling. The person may be administered an examination during several brief sessions, so long as that examination is completed on the test administration date. Double time may be allowed.

2. Flexible setting. The person may be administered an examination individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.

3. Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person's responses onto a machine-scorable answer sheet. In instances where the proctor is required to mark the responses on behalf of the examinee, there will be a tape recording of the examinee's selected responses. A large-block answer sheet may be provided. The person may use a word processor or typewriter to prepare any required essay or other written response. Technical support to operate the word processor or typewriter will be provided.

4. Revised format. The person may use a large-print booklet, a Braille test booklet, or a magnifying device.

5. Auditory aids. A tape recorded version of the examination may be provided, the examination may be read by a narrator, or the examination may be provided via video tape with a narrator using oral language or sign language.

6. Assistive personnel. Test personnel may be provided by the test administrator to record answers, sign test instructions, or read instructions and items other than reading passages and items text.

7. Reading passages and items must be read by the examinee through visual or tactile means.

8. Accommodations not covered by this rule may be requested through the Department of Education and will be provided, as appropriate, upon approval by the Department of Education.

(d) through (7) No change.

(8) Scoring the professional skills examination.

(a) Effective July 2003, the passing score for the professional education test shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to an examination raw score that results in an examinee passing rate of ninety-one (91) percent, which was the passing rate of teacher candidates who took the Professional Education

examination for the first time during the 2001-2002 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2003 administration, the passing score shall be sixty (60) percent of the items.

(b) Effective July 1, 2005, the passing score for the professional education test shall be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to eighty (80) correct items on the July and October 2003 test administrations.

(9) Scoring of the subject area specialty examinations.

(a) through (k) No change.

(l) Effective July 1, 2005, the passing score for the Exceptional Student Education K-12 Examination shall be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to seventy-seven (77) correct items on the July and October 2002 test administrations. After sufficient data have been collected, the Commissioner of Education shall review examinee performance levels for the Exceptional Student Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the above passing scores.

(m) No change.

(n) After sufficient data have been collected, the Commissioner of Education shall review examinee performance levels for ~~the Professional Education Examination~~, the Middle Grades Integrated Curriculum 5-9 Examination, and the Physical Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(o)1. Effective July 2004, the passing score for the subject area specialty examination listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw score on the July 2004 test administration as defined below.

2. Computer Science K-12. An examination raw score that results in an examinee passing rate of eighty-three (83) percent, which was the passing rate of teacher candidates who took the Computer Science K-12 specialty examination for the first time during the 2002-2003 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2004 administration, the passing score shall be sixty-three (63) percent of the items.

(p) After sufficient data have been collected, the Commissioner of Education shall review examinee performance levels for the Computer Science K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(q) Effective July 1, 2005, the passing scores for the English 6-12 subject area specialty examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the composite score of seventy one (71)

on a scale that weights the multiple choice section seventy (70) percent and the essay section thirty (30) percent on the April 1989 test administration.

~~(r)(q)~~ The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the Professional Education Examination not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

~~(r) Before July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eighth Edition."~~

~~(s) Beginning July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication "Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition."~~

(10) No change.

(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations.

(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.

(b) The examinee shall be sent two (2) authenticated score reports as described in paragraph 6A-4.0021(11)(10)(a), F.A.C. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the either the CG-20-03A, Registration Application: Certification Examinations for Florida Educators or the CG-20-04, Registration Application: Certification Examinations for Florida Educators.

(c) Official documentation of scores earned on each examination for a temporary or for a professional certificate shall be the original authenticated score report as described in paragraph 6A-4.0021(11)(10)(a), F.A.C., or a duplicate authenticated score report as described in paragraph 6A-4.0021(11)(10)(e), F.A.C.

(d) Scores shall be reported as Pass or Fail for each subtest of the examination. The Commissioner of Education may provide additional score information to the examinee.

(e) An examinee may obtain a duplicate authenticated score report for a test administration by filing a written request and a fee. A fee is required for each duplicate score report that is requested. The fee shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education.

(12) Review.

(a) An examinee who fails one (1) or more examination(s) may file a written request with the test administration agency for handscoring of the examination(s) failed. The request shall be filed within thirty (30) days of the date the score report was mailed by the test administration agency. The fee for handscoring one (1) or more examinations shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the handscoring within thirty (30) days of receipt of the request and fee.

(b) An examinee who fails one (1) or more examination(s) may review each examination that was failed and bring to the Florida Department of Education's attention any scoring errors which may result in a passing score. The procedures for test review are listed below:

1. The examinee shall file a written request with Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, within thirty (30) ~~sixty (60)~~ days of the date the score report was mailed by the test administration agency.

2. A processing fee is required for each request to review certification examinations for Florida educators. The fee shall be that amount necessary for the test administration agency to perform the services as agreed in the contract between the agency and the Florida Department of Education.

3. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee's review of the materials in Tallahassee.

4. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score.

~~5.2.~~ The Commissioner of Education shall notify the individual of the action on the statement of scoring errors not later than thirty (30) days from receipt of the statement.

6. An examinee may retake a failed examination that was reviewed provided at least thirty (30) days have elapsed since the date of the review. If an examinee takes an examination, including a computer-based examination, that was reviewed within thirty (30) days of the test date, the examination will be invalidated.

(13) through (15) No change.

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History--New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cornelia Orr, Director, Assessment and School Performance,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE TITLE: Florida Principal Leadership Standards

RULE NO.: 6B-5.0012

PURPOSE AND EFFECT: The purpose of the proposed new rule is to prescribe competencies, standards, and requirements for school leaders and administrators. The effect will be standards which will provide the basis for certification and assessment to reflect the competencies and skills needed by today's school leaders to improve student achievement.

SUMMARY: This rule prescribes the standards for school leaders and administrators. These standards will provide the basis for certification and assessments to reflect the competencies and skills needed by today's school leaders to improve student achievement. The new standards address the areas of instructional, operational, and school leadership.

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: 1001.02, 1012.55 FS.

LAW IMPLEMENTED: 1012.55 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., April 19, 2005

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Deputy Chancellor for Educator Quality, K-12 Public Schools, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-5.0012 Florida Principal Leadership Standards.
Florida's school leaders must possess the abilities and skills necessary to perform their designated tasks in a high-performing manner. The school leader, commensurate with job requirements and delegated authority, shall demonstrate competence in the following standards:

(1) Instructional Leadership.

(a) Instructional Leadership. High-performing leaders promote a positive learning culture, provide an effective instructional program and apply best practices to student learning, especially in the areas of reading and other foundational skills.

(b) Managing the Learning Environment. High-performing leaders manage the organization, operations, facilities and resources in ways that maximize the use of resources in an instructional organization and promote a safe, efficient, legal and effective learning environment.

(c) Learning, Accountability and Assessment. High-performing leaders monitor the success of all students in the learning environment; align the curriculum, instruction and assessment processes to promote effective student performance; and use a variety of benchmarks, learning expectations and feedback measures to ensure accountability for all participants engaged in the educational process.

(2) Operational Leadership.

(a) Decision Making Strategies. High performing leaders plan effectively, use critical thinking and problem solving techniques, and collect and analyze data for continuous school improvement.

(b) Technology. High-performing leaders plan and implement the integration of technological and electronic tools in teaching, learning, management, research and communication responsibilities.

(c) Human Resource Development. High-performing leaders recruit, select, nurture and, where appropriate, retain effective personnel; develop mentor and partnership programs; and design and implement comprehensive professional growth plans for all staff, paid and volunteer.

(d) Ethical Leadership. High-performing leaders act with integrity, fairness, and honesty in an ethical manner.

(3) School Leadership.

(a) Vision. High-performing leaders have a personal vision for their school and the knowledge, skills and dispositions to develop, articulate and implement a shared vision that is supported by the larger organization and the school community.

(b) Community and Stakeholder Partnerships. High performing leaders collaborate with families and business and community members, respond to diverse community interests and needs, work effectively within the larger organization and mobilize community resources.

(c) Diversity. High-performing leaders understand, respond to, and influence the personal, political, social, economic, legal, and cultural relationships in the classroom, the school and the local community.

Specific Authority 1001.02, 1012.55 FS. Law Implemented 1012.55 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Deputy Chancellor for Educator Quality,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jim Warford, Chancellor K-12
Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 4, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Signing for Supplemental Guide Signs and
Motorist Services on Limited and
Non-Limited Access Highways
RULE NO.: 14-15.015

PURPOSE AND EFFECT: Adoption of new rules under Rule
Chapter 14-51, Florida Administrative Code, made this rule
obsolete.

SUMMARY: Obsolete Rule 14-15.015, F.A.C., is repealed.
SPECIFIC AUTHORITY: 120.53(1)(a), 316.0745(1),(2),
334.044(2) FS.

LAW IMPLEMENTED: 316.006(1), 316.0745(1),(2),(3),
335.14, 599.004 FS.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Estimate of Economic Impact has
been prepared.

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.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: James C. Myers, Clerk of Agency
Proceedings, Florida Department of Transportation, Office of
the General Counsel, 605 Suwannee Street, Mail Station 58,
Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.015 Signing for Supplemental Guide Signs and
Motorist Services on Limited and Non-Limited Access
Highways.

Specific Authority 120.53(1)(a), 316.0745(1),(2), 334.044(2) FS. Law
Implemented 316.006(1), 316.0745(1),(2),(3), 335.14, 599.004 FS. History—
New 7-20-78, Formerly 14-51.04, Amended 4-24-91, 4-1-92, 4-19-94,
Amended 2-20-96, 9-27-99, Formerly 14-51.004, Repealed _____.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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: 400.407, 400.4178, 400.441, 400.452 FS.

LAW IMPLEMENTED: 400.407, 400.4075, 400.4178, 400.441, 400.452 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Avellone, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-5.0191 Staff Training Requirements and Competency Test Training Fees.

(1) ASSISTED LIVING FACILITY CORE TRAINING REQUIREMENTS AND COMPETENCY TEST UPDATES.

(a) The assisted living facility core training ~~requirements program~~ established by the department pursuant to s. 400.452, F.S., shall ~~consist of~~ be a minimum of 26 hours of training plus a competency test examination.

(b) Administrators and managers, must successfully complete the assisted living facility core training ~~requirements program~~ within 3 months from the date of becoming a facility administrator or manager. Successful completion of the core training requirements includes passing the competency test. Administrators who have attended core training prior to July 1, 1997, and managers who attended the core training program prior to April 20, 1998, shall not be required to take the competency test. Administrators licensed as nursing home administrators in accordance with Part II of Chapter 468, F.S., are exempt from this requirement.

(c) No change.

~~(d) Administrators and managers shall, in addition, attend update training for any portion of core training that has been revised as a result of new legislation, rule amendment, or updated materials. Update training received under this paragraph can count towards the 12 hours of continuing education required by Section 400.452, F.S., and this subsection.~~

~~(d)~~(e) A newly hired administrator or manager who has successfully ~~previously~~ completed the assisted living facility core training ~~and has maintained update~~ and continuing education requirements, shall not be required to retake the core training. An administrator or manager who has successfully

~~previously~~ completed the core training but has not maintained the continuing education requirements ~~and attended update training~~ will be considered a new administrator or manager for the purposes of the core training requirements and must:

1. Retake the assisted living facility core training; and
2. Retake and pass the competency test.

(e) The fees for the competency test shall not exceed \$200. The payment for the competency test fee shall be remitted to the entity administering the test. A new fee is due each time the test is taken.

(2) STAFF IN-SERVICE TRAINING. ~~Each F~~facility administrators or managers must provide or arrange for the following in-service training to facility staff:

(a) No change.

(b) Staff who provide direct care to residents must receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects:

1. Reporting major incidents.
2. Reporting adverse incidents.

~~3.2.~~ Facility emergency procedures including chain-of-command and staff roles relating to emergency evacuation.

(c) through (d) No change.

(e) Staff who prepare or serve food, who have not taken the assisted living facility core training, must receive a minimum of 1-hour in-service training within 30 days of employment in safe food handling practices.

(3) HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS). Pursuant to Section 381.0035, F.S., all facility employees must complete biennially, a continuing education course on HIV and AIDS. New facility staff must obtain an initial training on HIV/AIDS within 30 days of employment, unless the new staff person previously completed the initial training and has maintained the biennial continuing education requirement. Documentation of compliance must be maintained in accordance with subsection (11) of this rule.

(4) FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR). A staff member who has completed courses in First Aid and CPR and holds a currently valid card documenting completion of such courses must be in the facility at all times.

(a) Documentation of attendance at First Aid or CPR course offered by an accredited college, university or vocational school; a licensed hospital; the American Red Cross, American Heart Association, or National Safety Council; or ~~if offered by~~ a provider approved by a ~~health-related professional board in~~ the Department of Health, shall satisfy this requirement.

~~(b) Other courses taken in fulfillment of this requirement must meet the following criteria and be approved and documented in accordance with subsection (10) of this rule:~~

1. ~~First Aid training must be a minimum of 3 hours and cover disease transmission; care of abrasions, scratches, cuts, and insect bites; care of wounds; control of bleeding; identification and care for injuries to muscles, bones and joints; care of burns; care for hypothermia and heat related illnesses; management of seizures; identification and care for injuries to the head and spine; when to move victims with injuries; and poison control. Persons providing First Aid training must:~~

~~a. Hold a current First Aid instructor's card from the American Red Cross, the National Safety Council, or an accredited university; or~~

~~b. Be a registered nurse with a minimum of 1 year's experience in long-term or acute care or 1 year's teaching experience in a health-related topic; or emergency medical technician or paramedic currently certified under Part III of Chapter 401, F.S., with a minimum of 1 year's teaching experience in a health-related topic.~~

~~2. CPR training must be a minimum of 3 hours; include the opportunity for "hands on" learning through practice exercises; and be in accordance with the recommendations of the 1992 Conference on Cardiopulmonary Resuscitation and Emergency Cardiac Care, American Heart Association, published in the Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care, I and II, JAMA, 1992;268:2172-2198, which is incorporated by reference. Persons providing CPR training must hold a current CPR instructor's card from the American Red Cross, the American Heart Association, or National Safety Council.~~

~~(b)(e)~~ A nurse shall be considered as having met the training requirement for First Aid. An emergency medical technician or paramedic currently certified under Part III of Chapter 401, F.S., shall be considered as having met the training requirements for both First Aid and CPR.

(5) ASSISTANCE WITH SELF-ADMINISTERED MEDICATION AND MEDICATION MANAGEMENT. Unlicensed persons who will be providing assistance with self-administered medications as described in Rule 58A-5.0185, F.A.C., must receive a minimum of 4 hours of training prior to assuming this responsibility. Courses provided in fulfillment of this requirement must meet the following criteria:

(a) No change.

(b) The training must be provided by a registered nurse, or licensed pharmacist, ~~or department staff~~ who shall issue a training certificate to a trainee who demonstrates an ability to:

1. ~~Read and u~~nderstand a prescription label;
2. No change.

(c) Unlicensed persons, as defined in Section 400.4256(1)(b), F.S., who provide assistance with self-administered medications and have successfully completed the initial 4 hour training, must obtain, annually, a minimum of 2 hours of continuing education training on providing assistance with self-administered medications and

safe medication practices in an assisted living facility. The 2 hours of continuing education training shall only be provided by a licensed registered nurse, or a licensed pharmacist.

(6) NUTRITION AND FOOD SERVICE. The administrator or person designated by the administrator as responsible for the facility's food service and the day-to-day supervision of food service staff must obtain, annually, a minimum of 2 hours continuing education in topics pertinent to nutrition and food service in an assisted living facility. A certified food manager, licensed dietician, registered dietary technician or health department sanitarians are qualified to train assisted living facility staff in nutrition and food service. Completion of the core training program shall satisfy this requirement in the year taken.

(7) EXTENDED CONGREGATE CARE TRAINING.

(a) The administrator and extended congregate care supervisor, if different from the administrator, must complete core training and ~~4 6~~ hours of initial training in extended congregate care ~~provided by the department~~ prior to the facility's receiving its extended congregate care license or within 3 months of beginning employment in the facility as an administrator or ECC supervisor. Successful completion of the assisted living facility core training shall be a prerequisite for this training. ECC supervisors who attended the assisted living facility core training prior to April 20, 1998, shall not be required to take the assisted living facility core training competency test.

(b) The administrator and the extended congregate care supervisor, if different from the administrator, must complete a minimum of ~~4 6~~ hours of continuing education every two years in topics relating to the any of the core topics identified in Section 400.452, F.S.; or physical, psychological, or social needs of frail elderly and disabled persons, or persons with Alzheimer's disease or related disorders.

(c) All direct care staff providing care to residents in an extended congregate care program must complete at least 2 hours of in-service training, provided by the facility administrator or ECC supervisor, within 6 months of beginning employment in the facility. The training must address extended congregate care concepts and requirements, including statutory and rule requirements, and delivery of personal care and supportive services in an extended congregate care facility.

(8) LIMITED MENTAL HEALTH TRAINING. Pursuant to Section 400.4075, F.S., the administrator, manager and designee, and staff in direct contact with mental health residents in a facility with a limited mental health license must receive a minimum of 6 hours training provided or approved by the Department of Children and Family Services within 6 months of the facility's receiving a limited mental health license or within 6 months of employment in a facility holding a limited mental health license. Staff in "direct contact" means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health

residents on a daily basis. The term does not include maintenance, food service, or administrative staff if such staff have only incidental contact with mental health residents.

(a) No change.

(b) Training received under this subsection may count once for 6 of the 12 hours of continuing education required for administrators and managers ~~designees~~ under subsection (1) of this rule.

(9) ALZHEIMER'S DISEASE AND RELATED DISORDERS TRAINING REQUIREMENTS. Facilities which advertise that they provide special care for persons with Alzheimer's disease and related disorders, or who maintain secured areas as described in Rule 58A-5.023, F.A.C., must ensure that facility staff receive the following training.

(a) Facility staff who have regular contact with or provide direct care to residents with Alzheimer's disease and related disorders, shall obtain 4 hours of initial training within 3 months of employment. Completion of the core training program between after April 20, 1998 and July 1, 2003 shall satisfy this requirement. Facility staff who meet the requirements for Alzheimer's disease and related disorders training providers under paragraph (g) of this subsection will be considered as having met this requirement. "Staff who have regular contact" means staff who interact on a daily basis with residents but do not provide direct care to residents. Initial training, entitled, "Alzheimer's Disease and Related Disorders Level I Training," must address the following subject areas:

1. through 6. No change.

(b) Staff who have received both the initial one hour and continuing three hours of Alzheimer's disease and related disorders training pursuant to Sections 400.1755, 400.5571(1) and 400.6045(1), F.S., shall be considered to have met the initial assisted living facility Alzheimer's Disease and Related Disorders Level I Training.

(c)(b) Facility staff who provide direct care to residents with Alzheimer's disease and related disorders, must obtain an additional 4 hours of training, entitled "Alzheimer's Disease and Related Disorders Level II Training," within 9 months of employment. Facility staff who meet the requirements for Alzheimer's disease and related disorders training providers under paragraph (g) of this subsection will be considered as having met this requirement. Alzheimer's Disease and Related Disorders Level II ~~Such~~ Training must address the following subject areas as they apply to these disorders:

1. through 5. No change.

(d)(e) A detailed description of the subject areas that must be included in an Alzheimer's disease and related disorders curriculum which meets the requirements of subparagraphs (a) and (b) of this subsection can be found in the document "Training Guidelines for the Special Care of Persons with Alzheimer's Disease and Related Disorders," dated March 1999, incorporated by reference, available from the

Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 ~~DOEA, Assisted Living Program.~~

(e)(d) Direct care staff shall participate in 4 hours of continuing education annually as required under Section 400.4178, F.S. Continuing education received under this paragraph may be used to meet 3 of the 12 hours of continuing education required by Section 400.452, F.S., and subsection (1) of this rule, or 3 of the 6 hours of continuing education for extended congregate care required by subsection (7) of this rule.

(f)(e) Facility staff who have only incidental contact with residents with Alzheimer's disease and related disorders must receive general written information provided by the facility on interacting with such residents, as required under Section 400.4178, F.S., within 3 months of employment. "Incidental contact" means all staff who neither provide direct care nor are in regular contact with such residents.

(f) ~~Alzheimer's training provided by the department between January 1 and September 30, 1997 shall meet the training requirements of paragraph (a) of this subsection.~~

(g) Persons who seek to provide Alzheimer's disease and related disorders training in accordance with this subsection must provide the department or its designee with a ~~course curriculum and~~ documentation that they hold a Bachelor's degree from an accredited college or university or hold a license as a registered nurse, and:

1. Have 1 year teaching experience as an educator of caregivers for persons with Alzheimer's disease or related disorders; or

2. through 3. No change.

(h) With reference to requirements in paragraph (g), a ~~Master's~~ degree from an accredited college or university in a subject related to the content of this training program can substitute for the teaching experience. Years of teaching experience related to the subject matter of this training program may substitute on a year-by-year basis for the required Bachelor's ~~college~~ degree referenced in paragraph (g).

(10) ALZHEIMER'S DISEASE AND RELATED DISORDERS TRAINING PROVIDER AND CURRICULUM APPROVAL; TRAINING DOCUMENTATION.

(a) ~~All~~ Persons seeking approval as an Alzheimer's disease and related disorders to provide training provider shall complete DOEA form ALF/ADRD-001, Application for Alzheimer's Disease and Related Disorders Training Provider Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 which must be approved by the department under this rule shall submit their qualifications to provide which must be approved by the department under this rule shall submit their qualifications to provide training and proposed course curriculums to the department prior to training. Persons

seeking to obtain approval of an Alzheimer's disease and related disorder curriculum shall complete DOEA form ALF/ADRD-002, Application for Alzheimer's Disease and Related Disorders Training Three-Year Curriculum Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Approval must be obtained from the department or its designee for the training provider and the training curriculum prior to commencing training activities. Upon receipt of approval from the department or its designee, the Alzheimer's disease and related disorders training provider shall be considered ~~may identify the training program as an~~ "approved Alzheimer's disease and related disorders training provider" by the Florida Department of Elder Affairs for purposes of meeting the training requirements of Section 400.4178 or Section 400.452, F.S., and Rule 58A-5.0191, F.A.C. The department or its designee shall maintain a list of approved Alzheimer's disease and related disorders training providers and approved curricula~~um~~. Approval of the curriculum shall be granted for 3 years, whereupon the training curriculum provider must be re-submitted ~~the training program~~ to the department or its designee for re-approval.

(b) Approved Alzheimer's disease and related disorders training providers must maintain records of each course taught for a period of 3 years following each program presentation. Course records shall include the title of the approved Alzheimer's disease and related disorders training curriculum program, the department's curriculum approval number, the number of hours of training, the training provider's name and the department's training provider approval number, the date and location of the course, and a roster of participants.

(c) ~~Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the training and the department's curriculum approval number, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name and the department's training provider approval number, and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Section 400.4178, F.S. Training providers must furnish each participant with documentation of attendance which must include the title of training program, the number of hours of training, the participant's name, date of attendance, location, and the training provider's name and signature.~~

(d) The department or its designee reserves the right to attend and monitor Alzheimer's disease and related disorders training courses, review records and course materials approved pursuant to this rule, and revoke approval on the basis of non-adherence to approved curriculum, the provider's failure

to maintain required training credentials, or if the provider is found to knowingly disseminate any false or misleading information.

(e) ~~Except as otherwise noted, certificates of any Alzheimer's disease and related disorders training required by this rule shall be documented in the facility's personnel files which documentation shall include the title of the training program, course content date of attendance, the training provider's name and the training provider's credentials, and number of hours of training. A certificate issued by the department shall provide sufficient documentation of training provided by department staff.~~

(f) Alzheimer's disease and related disorders training providers and training curricula which are approved consistent with the provisions of Section 400.1755, 400.6045, 400.5571, F.S., shall be considered as having met the requirements of subsection (9)(a) and (10) of this rule.

(11) TRAINING DOCUMENTATION AND MONITORING.

(a) ~~Except as otherwise noted, certificates of any training required by this rule shall be documented in the facility's personnel files which documentation shall include the subject matter of the training program, the participant's name, the date of attendance, the training provider's name, signature and credentials, professional license number if applicable, and the number of hours of training.~~

(b) ~~Upon successful completion of training pursuant to this rule, the trainee shall be issued a certificate by the training provider as specified in this rule.~~

(11) TRAINING FEES. Fees for training provided by the department are as follows:

- (a) Assisted Living Facility Core Training:
 1. Less than 30% OSS residents \$160
 2. Between 30% and 49% OSS residents \$120
 3. Between 50% and 69% OSS residents \$80
 4. Between 70% and 89% OSS residents \$40
 5. 90% or more OSS residents no charge

(b) ~~Assisted Living Facility Core Competency Examination:~~

- 1. Less than 30% OSS residents \$50
- 2. Between 30% and 49% OSS residents \$40
- 3. Between 50% and 69% OSS residents \$25
- 4. Between 70% and 89% OSS residents \$15
- 5. 90% or more OSS residents no charge

(c) ~~Extended Congregate Care Initial Training, and Core Update and Continuing Education programs of over 4 hours and up to 8 hours:~~

- 1. Less than 30% OSS residents \$50
- 2. Between 30% and 49% OSS residents \$40
- 3. Between 50% and 69% OSS residents \$30
- 4. Between 70% and 89% OSS residents \$20
- 5. 90% or more OSS residents no charge

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 titled "Official Notices."

DEPARTMENT OF HEALTH
Board of Dentistry

RULE TITLE: Examination Grading System and Examination Requirements for Dental Examination
 RULE NO.: 64B5-2.013

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow examination candidates under direct supervision to assess board patients for the dental examination in order to determine potential health risks that might pose a significant problem during the examination.

SUMMARY: The proposed rule amendment allows candidates for the dental examination to assess suitable board patients under the direct supervision of a dentist, or a faculty member at any accredited school.

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: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(2), 466.006(4), 466.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.013 Examination Grading System and Examination Requirements for Dental Examination

- (1) No change.
- (2)(a) through (f) No change.

(g) Candidates for the dental state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental school under direct supervision of a school faculty member.

- (3) through (7) No change.

Specific Authority 456.017(1)(b), 466.004(4), 466.006(4) FS. Law Implemented 456.017(1)(b),(2), 466.006(4), 466.009 FS. History--New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

DEPARTMENT OF HEALTH
Board of Nursing

RULE TITLES: Statement of Intent of Purpose
 Definitions
 Competency and Knowledge Requirements
 RULE NOS.: 64B9-17.001
 64B9-17.002
 64B9-17.003

PURPOSE AND EFFECT: To set forth professional and educational standards and requirements for nurses who administer conscious sedation to patients, and to define which types of sedation are within the scope of registered nurses licensed under Chapter 464, F.S.

SUMMARY: To set forth professional and educational standards and requirements for nurses who administer conscious sedation to patients, and to define which types of sedation are within the scope of registered nurses licensed under Chapter 464, F.S.

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: 464.003(a), 464.006 FS.

LAW IMPLEMENTED: 464.003(a), 464.012(3), 464.015(1),(5), 464.019(1)(j),(n) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dan Coble, R.N., Ph.D., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

ROLE OF THE NURSE IN CONSCIOUS SEDATION

64B9-17.001 Statement of Intent of Purpose.

(1) The “practice of professional nursing” as defined by Section 464.003(3)(a), F.S., includes “the administration of treatments and medications as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medicines and treatments.” As medical science advances, new drugs and procedures are introduced to provide health services to the public. A registered nurse, when qualified by training and education and when approved by the institution at which the registered nurse is employed, may engage in the limited administration of drugs for conscious and deep sedation under specific conditions.

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer conscious sedation and deep sedation under specific conditions. Pursuant to Section 464.018(1)(h), F.S., the act of administering conscious sedation by a registered nurse without the education and verification of competency outlined in this rule would constitute unprofessional conduct and would also be a violation of Section 464.018(1)(j) and (n), F.S. Further, this role is beyond the scope of practice for the licensed practical nurse or the tasks allowed for unlicensed assistive personnel.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5), 464.019(1)(j),(n) FS. History--New _____.

64B9-17.002 Definitions.

(1) Conscious sedation, or moderate sedation, is produced by the administration of pharmacological agents administered singly or in combination. A patient under conscious sedation has a depressed level of consciousness, but retains the ability to independently and continuously maintain a patent airway and respond appropriately to physical stimulation and/or to verbal command. Conscious sedation may easily be converted into deep sedation or the loss of consciousness, because of the unique characteristics of the drugs used, as well as the physical status and drug sensitivities, of the individual patient. The administration of conscious sedation requires continuous monitoring of the patient and the ability to respond immediately to deviations from the norm. Conscious sedation should only be provided by an individual who is competent in

thorough patient assessment, is able to administer drugs through a variety of routes, is able to identify responses which are a deviation from the norm, and is able to intervene as necessary. Conscious sedation is used in short-term, therapeutic, diagnostic, or surgical procedures. Because sedation is a continuum, it is not always possible to predict how an individual patient will respond. For the purposes of this rule, the level of sedation intended determines whether administration and monitoring of the patient is within the scope of practice of the registered nurse. The nurse must be able to respond to unintended deepening of sedation. It is important to differentiate among the levels of sedation as delineated by the American Society of Anesthesiologists:

(a) Minimal Sedation (Anxiolysis) is a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected.

(b) Moderate Sedation/Analgesia (“Conscious Sedation”) is a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(c) Deep Sedation/Analgesia is a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

(d) General Anesthesia is a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

(2) For purposes of this rule, institution means a hospital or ambulatory surgery center licensed under provisions of Chapter 395 F.S., or any other setting in which conscious sedation is utilized.

(3) A qualified anesthesia provider is an anesthesiologist or physician licensed under Chapter 458, F.S., or a certified registered nurse anesthetist licensed under Chapter 464, F.S.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5), 464.019(1)(j),(n) FS. History--New _____.

64B9-17.003 Competency and Knowledge Requirements.

(1) A registered nurse may administer medication to achieve conscious sedation during therapeutic, diagnostic, or surgical procedures, and manage patients who are receiving and recovering from conscious sedation, provided the following criteria are met:

(a) The registered nurse administers only non-anesthetic drugs for conscious sedation, unless the registered nurse is also certified as a nurse anesthetist or unless the registered nurse administers anesthetic agents during an emergency under the direction and supervision of a physician;

(b) The registered nurse, or a facility-based Code Team, must have demonstrated skill in age-specific airway management and emergency resuscitation through advanced cardiac life support (ACLS), pediatric advanced life support (PALS), neonatal resuscitation program (NRP), or equivalent training;

(c) The registered nurse must have successfully completed a program in conscious sedation. The content of that program must, at a minimum, be four hours in length, contain information on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, and assessment and monitoring of the patient receiving the medication. The program must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness;

(d) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards and to refuse to participate in procedures which may result in harm to the patient;

(e) If medications are given intravenously, a continuous, patent intravenous access must be in place throughout the procedure and until the patient is recovered. If the medications for sedation are given intranasal, intramuscular, oral or rectal route, staff capable of establishing an intravenous access should it become necessary must be immediately available;

(f) The registered nurse is responsible for monitoring the patient throughout the procedure as well as through the recovery phase. While the registered nurse is managing the care of patients receiving conscious sedation, the nurse shall have no other responsibilities that would prevent the nurse from responding to assessment changes in the patient requiring intervention;

(g) Monitoring and recording device alarms should be set to alert the nurse to critical changes in patient status. The nurse must be in close enough proximity to respond immediately to monitor alarms and to unintended deepening of sedation;

(h) Emergency and resuscitative equipment must be available in the immediate area where the procedure is being performed;

(i) The institution must have written protocols in place to include, but not be limited to: patient monitoring and devices to be utilized, drug administration, and directions for dealing with potential complications or emergency situations, and availability of a physician. These protocols must be reviewed at frequent intervals to assure that they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting;

(j) The institution must have a mechanism for determining and documenting education/training, clinical competency, and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and documentation of competence shall be done on an annual basis and within current and expected standards of nursing practice.

(2) A registered nurse who meets the requirements and conditions in this rule, may administer medication, including anesthetic agents, to achieve deep sedation only to a monitored, intubated, and mechanically ventilated patient who is located in an intensive care, critical care or emergency setting (or during the transport of such a patient within the institution).

(3) A registered nurse may assist a licensed provider by administering anesthetic agents under the direction and supervision of a qualified anesthesia provider when the purpose is control of the patient's airway, such as rapid sequence intubation.

(4) For severely compromised or medically unstable patients, a qualified anesthesia provider must be present.

(5) A registered nurse shall not administer general anesthesia unless licensed under Section 464.012, F.S., as a certified registered nurse anesthetist to the extent authorized by established protocol pursuant to Section 464.012(3)(a), F.S., or unless licensed as a certified nurse midwife to the extent authorized by established protocol pursuant to Section 464.012(3)(b), F.S.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5), 464.019(1)(j),(n) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 10, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 26, 2003

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

RULE NO.: 68B-14.0045

PURPOSE AND EFFECT: On February 17, 2005, the National Marine Fisheries Service published an emergency rule establishing trip limits for the commercial shallow-water grouper (black grouper, gag, red grouper, yellow-fin grouper, scamp, yellowmouth grouper, rock hind, and red hind) and deep-water grouper (misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, and speckled hind) fisheries in the federal exclusive economic zone (EEZ) of the Gulf of Mexico adjacent to Florida. The federal emergency rule was effective on March 3, 2005. The purpose of this rule amendment pursuant to the expedited provisions of Section 120.54(6), Florida Statutes, is to conform state rules governing harvest of groupers in Florida waters of the Gulf of Mexico to these new federal trip limits. The effect of the rule amendment will be to assure enforcement of both state and federal rules and protect the health and abundance of Gulf grouper stocks.

SUMMARY: A new subparagraph 3. Is added to paragraph (3)(b) of Rule 68B-14.0045, F.A.C., to set commercial vessel trip limits for grouper harvest in state waters, to conform with a federal emergency regulation. The trip limits are based on vessel limit season segments corresponding to harvest levels under federal quotas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

(1) through (2) No change.

(3) Bag and Trip Limits.

(a) No change.

(b) Grouper.

1. Nassau grouper and goliath grouper. No person harvesting for commercial purposes shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper, or goliath grouper. The purchase, sale, or exchange of any Nassau grouper or goliath grouper is prohibited.

2. Speckled hind and Warsaw grouper. No person shall harvest in or from state waters any speckled hind or Warsaw grouper for commercial purposes and the purchase, sale, or exchange of such fish is prohibited.

3. Vessels harvesting commercially in the state waters of the Gulf of Mexico as specified in subparagraph 68B-14.0045(1)(a)2., F.A.C., are subject to a grouper vessel trip limit. Groupers are all species listed in paragraph 68B-14.001(2)(b), F.A.C., except bank sea bass and black sea bass. The grouper vessel trip limit shall be 10,000 pounds from January 1 until such time as the National Marine Fisheries Service reduces the vessel trip limit in adjacent federal (EEZ) waters to 7,500 pounds or 5,500 pounds, in which case the Director of the Division of Marine Fisheries Management shall order a consistent reduction in the vessel trip limit in state waters of the Gulf of Mexico. The grouper vessel limit shall be restored to 10,000 pounds on January 1 of the following year.

(c) through (d) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04,_____.