

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-501.005 Application Fees.

(1) through (2) No change.

(3) The non-refundable application fee for retired status licensure is \$50.

Specific Authority 490.015, 456.013 FS. Law Implemented 490.005, 490.006 FS. History—New 8-27-84, Amended 12-16-84, 2-21-85, Formerly 21U-501.05, Amended 1-28-92, 6-21-92, Formerly 21U-501.005, 61E9-501.005, Amended 9-9-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paula Jones

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

DEPARTMENT OF HEALTH

Dental Laboratories

RULE TITLE: Dental Laboratory Biennial Registration RULE NO.: 64B27-1.002

PURPOSE AND EFFECT: The Department of Health proposes to update the rule regarding laboratory closures.

SUMMARY: This amendment requires the operator to provide notification of the closure of a laboratory and notifies that failure to notify is grounds to deny a registration application.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 466.038 FS.

LAW IMPLEMENTED: 466.032(1), 466.033 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: Sue Foster, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B27-1.002 Dental Laboratory Biennial Registration.

The Department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of two years, after the Department has received from the registering person, firm, or corporation:

(1) through (2) No change.

(3) The operator of a dental laboratory shall notify the Department and shall return the certificate of registration to the Department within 30 days of its closing. Timely notification of the closure of a laboratory shall not in and of itself constitute grounds to deny the operator the ability to register other laboratories. Failure to timely notify the Department of the closure of a laboratory is grounds to deny an application for registration of a laboratory.

Specific Authority 466.038 FS. Law Implemented 466.032(1), 466.033 FS. History—New 2-10-93, Formerly 21-29.002, 61E4-1.002, Amended 10-29-95, Formerly 59CC-1.002, Amended 1-9-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2005

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: 5C-20 RULE CHAPTER TITLE: Dangerous Transmissible Diseases
RULE NOS.: 5C-20.002 RULE TITLES: Declaration; Requirement to Report
5C-20.004 Requirement to Report Suspicious Disease Incidents

NOTICE OF CHANGE

Notice is hereby given that the proposed Chapter 5C-20, F.A.C., published in the Florida Administrative Weekly, Vol. 31, No. 24, June 17, 2005, has been changed to reflect industry comments and remarks from the Joint Administrative Procedures Committee.

1. When changed, subsection 5C-20.002(8), F.A.C., shall read as follows:

8. Brucellosis (B. abortus, B. suis)

2. When changed, subsection 5C-20.002(25), F.A.C., shall read as follows:

25. Infectious Laryngotracheitis

3. When changed, subsection 5C-20.002(26), F.A.C., shall read as follows:

26. Lumpy skin disease

4. When changed, subsection 5C-20.002(39), F.A.C., shall read as follows:

39. Strangles (Equine)

5. When changed, Specific Authority for Rule 5C-20.002, F.A.C., shall read as follows:

585.002 (3) to 585.002(4), 585.15 FS.

6. When changed, Law Implemented for Rule 5C-20.002, F.A.C., shall read as follows:

585.14, 585.15, 585.145(1) FS.

7. When changed, 5C-20.004, F.A.C., shall read as follows:

Any person who has knowledge of, or suspects, the existence of any other unusual animal disease or pest in the state which may be a foreign or a newly-emerging disease that might result in unusually high animal loss, economic damage, or is suspected of causing human disease, should immediately report suspicions or findings to the State Veterinarian (office hours: (850)410-0900; fax: (850)410-0915; after hours: 1(800)342-5869; email: rad@doacs.state.fl.us).

8. When changed, Specific Authority for Rule 5C-20.004, F.A.C., shall read as follows:

585.002(4), 585.007, 585.15 FS.

9. When changed, Law Implemented for Rule 5C-20.004, F.A.C., shall read as follows:

585.14, 585.15, 585.145(1) FS.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund 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 ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:

64B16-28.900

64B16-28.902

RULE TITLES:

Definitions – Nuclear Pharmacy

Nuclear Pharmacy – Minimum

Requirements

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 31, No. 23, June 10, 2005, issue of the Florida Administrative Weekly. Based upon comments from the Joint Administrative Procedures Committee, the Board has voted to change Rule 64B16-28.902, F.A.C., as follows:

Subparagraph (4)(d) through (h) shall now read as follows:

(d) Chapters 64B16-26 and 64B16-28, F.A.C., Rules of the Florida Board of Pharmacy.

(e) Chapter 64E-5, F.A.C., Rules of the Department of Health.

(f) Title 10 C.F.R., Code of Federal Regulations, FDA Regulations, July 19, 2005.

(g) Title 21 C.F.R., Code of Federal Regulations, FDA Regulations, July 19, 2005.

(h) Title 49 C.F.R., Code of Federal Regulations, Department of Transportation Regulations, July 19, 2005.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE NO.:

65A-1.205

RULE TITLE:

Eligibility Process Determination

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 31, No. 23, June 10, 2005, issue of the Florida Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. The specific change is made based on claims in Clark v Department of Children and Family Services. The change is the removal, in rule, of all reference to the electronic/web-based application.

Specific changes in rule text are as follows:

(1) The individual completes ~~an paper or electronic/web-based~~ application for assistance to the best of the individual’s ability and submits it to Economic Self-Sufficiency (ESS) office or authorized agent. An eligibility specialist determines the eligibility of each

household member for public assistance. The ~~paper~~ form, ACCESS Florida Application, CF-ES 2337, and electronic URL address version, May 05, is are incorporated by reference.

- (a) through (d) No change.
- (2) through (4) No change.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.602
 RULE TITLE: Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

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. 31, No. 24, June 17, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

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

~~(g)~~ ~~(#)~~ "Charge Master" means a comprehensive coded list developed by a hospital or an ambulatory surgical center representing its usual charges for specific services and supplies.

- (h) through (m) No change.

~~(n)~~ ~~(#)~~ "Disallow" means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer, service company/TPA or any entity acting on behalf of the insurer for reimbursement, based on identification of a billing error, inappropriate utilization or over utilization, use of an incorrect billing form, only one line-item billed and the bill has an invalid code, or required information is inaccurate, missing or illegible.

- (o) through (kk) No change.

(2)(a) Form DFS-F5-DWC-9 (CMS-1500 Health Insurance Claim Form, Rev. 12/90); Completion Instructions for Form DFS-F5-DWC-9-A (comprised of three sets of completion instructions for use by health care providers, ambulatory surgical centers, and work hardening and pain management programs), Rev. 5-26-05; Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form), Rev. 5/26/2005; ~~3/2004;~~ Completion Instructions for Form DFS-F5-DWC-10, Form DFS-F5-DWC-10-A, Rev. 5-26-05; Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2002); Completion Instructions for Form DFS-F5-DWC-11, Form DFS-F5-DWC-11-A, Rev. May 26, 2005; Form DFS-F5-DWC-25 (Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form), Rev. 05/26/2005

~~03/2004);~~ Completion/Submission Instructions for Form DFS-F5-DWC-25, Form DFS-F5-DWC-25-A, Rev. May 26, 2005; and Form DFS-F5-DWC-90 (UB-92 HCFA-1450, Hospital Uniform Bill, Rev. UB-92, Effective 1992) and completion instructions for these forms are hereby incorporated by reference into this rule.

- 1. through 2. No change.

3. A copy of the Form DFS-F5-DWC-11 can be obtained from by contacting the American Dental Association web site: http://www.deltadental.com/claimforms/claimform_R1.pdf.

Completion instructions can be obtained from the DFS/DWC web site: http://www.fldfs.com/WC/forms.html#7.

- 4. through 5. No change.

- (b) No change.

(3) Materials Adopted for Reference. The following publications are incorporated by reference herein:

(a) UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. June 2005 ~~May 2004~~). A copy of this manual can be obtained from the Florida Hospital Association by calling (407)841-6230.

(b) The Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~. Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~ can be obtained from the DFS/DWC website: http://www.fldfs.com/WC/pdf/MedData ElecFilingManual2005_5-26-05.pdf.

- (c) through (k) No change.

- (4)(a) through (c) No change.

- (d) 1. through 3. No change.

- 4.a. No change.

- b. Outpatient billing – Hospitals shall:

I. In addition to filing a Form DFS-F5-DWC-90, Hospitals shall enter the CPT, HCPCS, or unique workers' compensation code (provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual adopted in Rule 69L-7.020, F.A.C., 2004 Edition) in Form Locator 44 on the Form DFS-F5-DWC-90, to bill outpatient radiology, clinical laboratory and physical, occupational or speech therapy charges treatments, and-

- II. through V. No change.

- 5. through 12. No change.

- (e) 1. through 4. No change.

5. Billing elements required by the division to be completed for Hospital Billing are identified in the UB-92 Manual.

Section IV
Emergency Rules

- 6. No change.
- (f) No change.
- (5)(a) through (i) No change.
- (j)1. through 2. No change.

3. Required information is illegible, inaccurate, or omitted not provided.

- (k) through (n) No change.

(o) An insurer, service company/TPA, submitter or any entity acting on behalf of the insurer shall make available to the division and to the Agency, upon request and without charge, a legibly reproduced copy of the electronic form equivalents or Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-25, DFS-F5-DWC-90, supplemental documentation, proof of payment, EOBR and/or standardized EOBR code "20" description list.

- (p) through (q) No change.

- (6)(a)1. No change.

a. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision "B"), between August 2, 2004 and November 9, 2004 shall begin testing on December 5, 2005 and shall be in production with the new record layouts no later than January 13, 2006.

b. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision "B"), between November 10, 2004 and February 28, 2005 shall begin testing on January 16, 2006 and shall be in production with the new record layouts no later than February 24, 2006.

c. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision "B"), between March 1, 2005 and the effective date of this rule shall begin testing on February 27, 2006 and shall be in production with the new record layouts no later than April 7, 2006.

- 2. No change.

(b) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 2004.

- (c) through (d) No change.

- (7) No change.

The remainder of the rule reads as previously published.

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DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 602, RED HOT CASH
RULE NO.: 53ER05-57
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 602, "RED HOT CASH," 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; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-57 Instant Game Number 602. RED HOT CASH.
(1) Name of Game. Instant Game Number 602, "RED HOT CASH".

(2) Price. RED HOT CASH lottery tickets sell for \$2.00 per ticket.

(3) RED HOT CASH 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 RED HOT CASH lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises as to the validity of any RED HOT CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.