

SUMMARY: The proposed rule amendment updates the existing language in this rule.

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: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B3-2.003 Definitions.
- (1) through (18) No change.

(19) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine hematology and microbiology slide preparation from a primary sample; loading automated stainers; loading specimens onto automated sampling or processing systems; cytopreparatory staining; measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures. Placement of specimens onto an automated instrument or system is considered a manual pretesting duty, provided it does not include any activity that initiates the analytic process.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

Section III Notices of Changes, Corrections and Withdrawals

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 Clinical Laboratory Personnel

RULE NO.:	RULE TITLE:
64B3-2.003	Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 31, No. 30, July 29, 2005 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-12.006	Examination/Reexamination Fee

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. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale,

Florida, and determined the following changes to the Rule should be made. When changed the Rule would read as follows:

(1) The fee for processing the application of an applicant by examination is \$250.00. This fee is in addition to the fee charged by the Nursing Home Administrators Examination (NAB).

(2) The fee for processing the application for an applicant by examination who has failed one part of the examination who must reschedule is \$25.00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.012 RULE TITLE: Preceptor Certification
 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. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined the following change to this Rule should be made.

~~64B10-12.012 Preceptor Certification and Recertification Fee.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.001 RULE TITLE: Continuing Education for Licensure Renewal
 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. 40, October 7, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined changes to the Rule should be made.

- (1) No change.
- (2) No change.

~~(3) A newly licensed Nursing Home Administrator shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.~~

~~(4) During the license renewal period, the Department will send to each license holder at the last address of record, a notice for renewal. Failure to receive any notification does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he completed the required hours of approved continuing education.~~

~~(3)(5) Each licensee shall be responsible for maintaining the documentation as may be necessary to prove his/her compliance with the continuing education requirements for a period of four years during the current renewal period and the one immediately preceding and shall provide such documentation to the Department upon request.~~

~~(4)(6) The Department shall audit at random a number of licensees as necessary to ensure that these continuing education requirements are met.~~

~~(5)(7)(a) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.~~

~~(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by Section 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: root cause analysis; error reduction and prevention; and patient safety.~~

~~(6)(8) A licensee who attends a meeting of a national association involved in the establishment of standards of practice for nursing home administrators or the regulation of nursing home administrators may apply to the Board for approval of that activity as a continuing education activity. In order to receive said approval, the licensee must submit a written statement to the Board within 60 days of attendance or participation in said conference, stating the name of the organization conducting the meeting, dates of attendance, and a brief statement as to how the course that activity contributed to the enhancement of the licensee's skills, or otherwise enabled the licensee to keep abreast of changes affecting the practice of nursing home administration. The Board may approve up to 5 hours of continuing education per year in one year under this paragraph.~~

~~(7)(9) Three hours of continuing education may be obtained by the following:~~

~~(a) Attending one full day of a board meeting in compliance with the following:~~

- ~~1. The licensee must sign in with the Executive Director/Program Operations Administrator of the board before the meeting day begins.~~
- ~~2. The licensee must remain in continuous attendance.~~

3. The licensee must sign out with the Executive Director/Program Operations Administrator at the end of the meeting. A licensee shall receive continuing education credit for attending a board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the board meeting for another purpose. A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:

(b)(4) Serve as a volunteer expert witness for the department in a disciplinary case.

(c)(5) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

(10) In addition to the continuing education credits authorized above, a maximum of three

(3) hours of credit in the area of risk management may be earned each biennium in the following manner:

(a) Attend a board meeting where a licensee is disciplined.

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.005
 RULE TITLE: Domains of Practice, Objectives, Reports

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. 42, October 21, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined the following changes should be made.

The Administrator-in-Training Program shall cover the following ~~six~~ domains of practice: ~~as established by the National Association of Boards of Long Term Care Administrators (NAB) of Examiners for Nursing Home Administrators, Inc. (NAB):~~

(1)(a) through (c) No change.

(d) To display the ability to instruct staff on conducting appraisals.

(e) To demonstrate the knowledge of and use of appropriate supervisory techniques.

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

(e) To possess the ability to prepare a business plan, a feasibility study, and a return on investment (ROI) proposal.

(f) To understand how to develop, plan and manage an interdisciplinary budget.

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

(d) To use the concepts of disaster preparedness, and to demonstrate an understanding of the facility's roles and vulnerabilities (including how to conduct an evacuation).

(6)(a) through (f) No change.

(g) To possess the ability to access and interpret facility quality indicators and quality measures:

(h) To understand the concepts of benchmarking:

(i) To be able to assess facility performance using self-assessment tools.

(8)(a) through (c) No change.

(d) The preceptor and administrator in training trainee must file ~~four quarterly~~ reports with the Board every 90 days. Each report shall be co-signed by the preceptor and administrator in training trainee, and ~~shall should~~ be filed within two one weeks after the completion of each reporting period 25% segment of the program. The ~~quarterly~~ reports ~~shall should~~ contain a synopsis of the areas covered in the program and any relevant learning experiences. The reports ~~shall should~~ show how the administrator in training trainee used the following methods to further his or her training:

1. On-the-job experience;
2. Meetings attended;
3. Surveys completed;
4. Written reports;
5. Texts or periodicals;
6. Visits to other facilities;
7. Academic programs, college or continuing education seminars.

(9) Nothing in this rule is intended to preclude any preceptor from requiring any additional areas in the program, objectives, or reports.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: RULE NO.:

Emergency Idle Speed No Wake Boating
 Restricted Areas – St. Johns River 68DER05-2

STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: Recent rains from Hurricane Wilma have caused severe flooding along various portions of the St. Johns River. The river has overflowed its banks in many places and expanded into the floodplain. This flooded condition has created an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include, without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boathouses, and sheds. The turbulent and muddy water has caused boats to collide dangerously upon submerged objects without warning.

The operation of any vessels, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to create an immediate danger to property engulfed by the floodwaters or adjacent to the swollen river. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to increase the damage caused by the floodwaters and will damage property that is marginally above the floodwaters.

Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake also presents an immediate danger to persons in or near the river. The flood now submerges the accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

STATEMENT OF THE AGENCY’S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Lake, Volusia and Seminole Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Ocala, Florida, and the Boating and Waterways Section, that enactment of six Idle Speed No Wake zones along the St. Johns River is necessary to protect vessel traffic safety and the safety of other waterway users. There is further concurrence that the enactment of this emergency rule will also protect against continued flooding of homes, submersion of docks, seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation and is warranted for the protection of public safety.

This emergency rulemaking is being coordinated with the United States Coast Guard and the Army Corps of Engineers. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard’s local notice, by a public service announcement by the Florida Fish and Wildlife Conservation Commission, by personal contact from law enforcement officers, and by signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the St. Johns River are in constant flux, varying in response to wind direction, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes six Idle Speed No Wake boating restricted areas within the St. Johns River, shoreline to shoreline, from the State Road 44 Bridge to Lake Harney. These boating restricted areas will be in effect and enforceable when the river is flooding.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ms. Tara Alford, Boating and Waterways Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS: