

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.:	RULE TITLES:
69L-29.001	Definitions
69L-29.002	Requirements for Certification
69L-29.003	Certification Time Frames
69L-29.004	Occasional Health Care Providers
69L-29.005	Decertification of a Health Care Provider
69L-29.006	Decertification Process
69L-29.007	Recertification Process
69L-29.008	Determining Certification Status
69L-29.009	Carrier Responsibilities
69L-29.010	Health Care Provider Responsibilities
69L-29.011	Workers’ Compensation Certification Training Courses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the current rule chapter to revise the process by which health care providers meet the minimum criteria for certification pursuant to Section 440.13(3)(a), F.S. The proposed amendment also introduces the “Florida Workers’ Compensation Health Care Provider Certification Tutorial,” a no-cost, on-line resource that implements an electronic certification process for health care providers that will improve efficiencies in the certification process. The tutorial ensures participation only by statutorily defined providers and provides a learning tool that allows providers to progress at their own pace and to create and maintain their provider profile. The tutorial supplies providers with an overview of the Florida Workers’ Compensation System and the general administrative policies necessary for a health care provider to be certified and successfully participate under the Florida workers’ compensation system.

SUBJECT AREA TO BE ADDRESSED: Certification of Health Care Providers.

RULEMAKING AUTHORITY: 440.13(3)(a), 440.591 FS.

LAW IMPLEMENTED: 440.13(3), (13) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, July 13, 2011, 2:00 p.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Eric Lloyd, (850)413-1689 or Eric.Lloyd@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Lloyd, Program Director, Office of Medical Services, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689, Eric.Lloyd@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.:	RULE TITLE:
59B-9.032	Ambulatory and Emergency Department Data Reporting and Audit Procedures

PURPOSE AND EFFECT: The agency is proposing amendment to Rule 59B-9.032, F.A.C., to reinstate the reporting exemption option for ambulatory surgical centers having volumes less than 200.

SUMMARY: Ambulatory and Emergency Department Data Collection, Chapter 59B-9, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 7, 2011, 9:00 a.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room B, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Patrick Kennedy at (850)412-3757. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patrick Kennedy at (850)412-3757

THE FULL TEXT OF THE PROPOSED RULE IS:

59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(1) through (2) No change.

(3) All ambulatory centers performing the services set forth in Rules 59B-9.030 through 59B-9.039, F.A.C., shall submit ambulatory patient data as set forth in Rules 59B-9.037 and 59B-9.038, F.A.C., unless the reporting entity meets the criteria listed in subsection 59B-9.032(5), F.A.C., below.

(4) Any Ambulatory Surgical Center (ASC) receiving 200 or more patient visits during the reporting quarter periods outlined in Rule 59B-9.033, F.A.C., are required to report data as specified in Rules 59B-9.037 and 59B-9.038, F.A.C.

(5) Ambulatory Surgical Centers (ASC) receiving fewer than 200 patient visits during the reporting quarter periods outlined in Rule 59B-9.033, F.A.C., may request an exemption from a quarters reporting requirement. To request an exemption, the ASC shall send a letter on facility letterhead stating the number of patient visits for the reporting quarter and signed by the entity's chief executive officer or director. The exemption letter shall be received at the Agency office in Tallahassee on or prior to the deadline for submission of the quarterly report. This is not a onetime letter, but must be submitted for each quarter with fewer than 200 visits.

(6) ~~(4)~~ No change.

Proposed Effective Date 7-1-2011

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08, 408.15(11) FS. History--New 1-1-10, Amended 12-5-10,_____.

Editorial note: see former Rule 59B-9.011.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Kennedy at (850)412-3757

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-8.001 Definitions

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language for clarification of the definition for sterilization.

SUMMARY: The rule amendment will delete unnecessary language and to add new language for clarification of the definition for sterilization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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. Additionally, it has been determined that this rule does not meet the threshold for ratification.

RULEMAKING AUTHORITY: 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.1085 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-8.001 Definitions.

(1) Needles: solid filiform instruments used in the practice of acupuncture. This includes, but is not limited to, dermal needles, plum blossom needles, press needles, prismatic needles and disposable lancets. Pursuant to Section 457.1085, F.S., all acupuncture needles that are to be used on a patient must be sterile and disposable, and each needle may be used only once.

(2) Sterilization: kills all microbial life, including all bacterial spores, for instruments which enter tissue. Sterilization is accomplished by subjecting clean items to steam under pressure (autoclaving), or to dry heat the use of procedures which destroy all microbial life, including viruses, thereby creating sterility. In acupuncture this technique is used for all instruments which pierce the skin including, but not limited to, filiform needles and plum blossom needles or those instruments that may come into contact with instruments that pierce the skin including, but not limited to, storage strays, forceps and guide tubes for needles.

Rulemaking Specific Authority 457.104, 457.1085 FS. Law Implemented 457.1085 FS. History--New 5-6-87, Amended 12-23-87, 6-7-89, Formerly 21AA-8.001, 61F1-8.001, 59M-8.001, Amended 2-26-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 17, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 7, 2009

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-8.002 Monitoring Sterilization and
 Infection Control

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language to clarify procedures for sterilization of acupuncture needles and other equipment.

SUMMARY: The rule amendment will delete unnecessary language and to add new language for clarification of the procedures for sterilization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

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. Additionally, it has been determined that this rule does not meet the threshold for ratification.

RULEMAKING AUTHORITY: 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.1085 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-8.002 Monitoring Sterilization and Infection Control.

(1) Sterilization of ~~acupuncture needles and other equipment~~ other than acupuncture needles, when the equipment has penetrated tissue or has been exposed to blood, shall be accomplished by proper autoclaving according to the instructions of the manufacturer of the autoclave.

(2)(a) A sterilization indicator shall be used with each autoclaving to monitor the sterilization procedure.

(b) Strips must indicate both exposure to steam and 250° F.

~~(3) Non-sterilized acupuncture needles shall be sterilized prior to use:~~

~~(3)(4)~~ All sterilized items must be stored and handled in a manner which maintains sterility.

~~(4)(5)~~ Each acupuncture office utilizing autoclave sterilization techniques shall post the sterilization procedures and shall maintain documentation of all autoclave service.

~~(5)(6)~~ It shall be the responsibility of the Acupuncturist to insure that personnel responsible for performing sterilization procedures pursuant to this rule shall be adequately trained.

~~(6)(7)~~ The procedures and equipment used for sterilization must have their efficacy tested periodically. Adequacy of steam under pressure (e.g., autoclave) must have its efficacy verified by appropriate biological monitoring at least once every 40 hours (2400 minutes) of use or at least once every thirty days, whichever comes first.

Rulemaking Specific Authority 457.104, 457.1085 FS. Law Implemented 457.1085 FS. History—New 5-6-87, Amended 12-23-87, 6-7-89, 11-13-89, Formerly 21AA-8.002, 61F1-8.002, Amended 2-22-96, Formerly 59M-8.002, Amended 2-26-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 17, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 7, 2009

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-9.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes this rule amendment to update the disciplinary guidelines pursuant to SB 1986/456.072(1)(i)-(II), F.S.

SUMMARY: The rule amendment will update the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

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. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

RULEMAKING AUTHORITY: 456.079(1), 457.104 FS.

LAW IMPLEMENTED: 456.072, 456.079, 457.109 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.001 Disciplinary Guidelines.

(1) When the Board finds any person has committed any of the acts set forth in Section 456.072(1) or 457.109(1), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) through (cc) No change.

(dd) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. Section 456.072(1)(ii), F.S. The usual recommended penalty for the first offense shall be revocation and a fine of \$10,000, or in the case of application for licensure, denial of licence.

(ee) Failing to remit the sum owed to the State for an overpayment from the Medicaid Program pursuant to a final order, judgment, or Stipulation or settlement. Section 456.072(1)(jj), F.S. The usual recommended penalty shall be Reprimand and a fine of \$2,500 up to Revocation and a fine of \$5,000.

(ff) Being terminated from the state Medicaid Program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored. Section 456.072(1)(kk), F.S. The usual recommended penalty shall be Probation and a fine of \$1,000 up to Revocation and a fine of \$10,000.

(gg) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which related to health care fraud. Section 456.072(1)(ll), F.S. The usual recommended penalty shall be revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(2) through (5) No change.

Rulemaking Specific Authority 456.079(1), 457.104 FS. Law Implemented 456.072, 456.079, 457.109 FS. History—New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended 8-3-00, 5-20-02, 5-24-04, 1-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:

69B-220.201 Ethical Requirements

PURPOSE AND EFFECT: The only purpose of this amendment is to repeal paragraph (5)(d) of Rule 69B-220.201, F.A.C., since it was superseded by the enactment of Section 626.854(11), F.S.

SUMMARY: Paragraph (5)(d) of Rule 69B-220.201, F.A.C., is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 624.308, 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.854, 626.865(2), 626.878, 626.9541(1)(i) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 11, 2011, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Purvis at (850)413-5659 or

Eric.Purvis@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric A. Purvis, Financial Administrator, Division of Agent and Agency Services, Room 412C, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5659 or Eric.Purvis@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-220.201 Ethical Requirements.

(1) through (5)(c) No change.

~~(d) This subsection applies to all claims that arise out of the events that created the State of Emergency, whether or not the adjusting contract was entered into while the State of Emergency was in effect and whether or not a claim is settled while the State of Emergency is in effect.~~

Rulemaking Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.854, 626.865(2), 626.878, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, Formerly 4-220.201, Amended 3-27-05, 9-3-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Purvis, Financial Administrator, Division of Agent and Agency Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 15, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.:	RULE TITLES:
69L-7.020	Florida Workers’ Compensation Health Care Provider Reimbursement Manual
69L-7.100	Florida Workers’ Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)

PURPOSE AND EFFECT: The purpose of these proposed rules is to adopt the 2010 version of the Florida Workers’ Compensation Reimbursement Manual for Health Care Providers and the Florida Workers’ Compensation Reimbursement Manual for Ambulatory Surgical Centers, respectively. These rule making activities will also result in publication of the reimbursement rates authorized by the Three Member Panel, pursuant to Section 440.13(12), F.S., at its

public meeting held on December 18, 2009. In addition, both proposed rules will adopt updated versions of the American Medical Association’s Current Procedural Terminology, CPT© 2010 Professional Edition, Copyright 2009, the American Medical Association’s “Healthcare Common Procedure Coding System, Medicare’s National Level II Codes Manual” HCPCS 2010, Copyright 2009, Ingenix Publishing Group, and the American Dental Association Current Dental Terminology, CDT© 2009/2010, Copyright 2008. In addition, the 2010 ICD-9-CM Professional for Hospitals, Volumes 1, 2 and 3, International Classification of Diseases, 10th Revision, Clinical Modification, Copyright 2009, Ingenix, Inc. (American Medical Association); the Physician ICD-9-CM 2010, Volumes 1 & 2, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2009, Ingenix, Inc. (American Medical Association).

SUMMARY: The proposed rules address revisions to Rules 69L-7.020, (Florida Workers’ Compensation Health Care Provider Reimbursement Manual) and 69L-7.100, F.A.C. (Florida Workers’ Compensation Reimbursement Manual for Ambulatory Surgical Centers). Each proposed rule incorporates an updated (2010) edition of its respective reimbursement manual, which publishes the maximum reimbursement allowances (MRAs) as established by the Three Member Panel, pursuant to Section 440.13(12), F.S. The rules also incorporate updated reference materials, guidelines regarding the medical billing process, and utilize efficient new formats. Additionally, the ASC Manual, as amended, incorporates certain policy language currently contained within Rule 69L-7.602, F.A.C. (Florida Workers’ Compensation Medical Services Billing, Filing and Reporting Rule).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 440.13(4), (14), (14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIMES: Wednesday, July 13, 2011, 9:00 a.m. – 10:30 a.m. (HCP Rule), 11:00 a.m. – 12:30 p.m. (ASC Rule)

PLACE: 104J Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Lloyd, (850)413-1689 or Eric.Lloyd@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4225, (850)413-1689

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT[®] 2010 ~~2009~~ Current Procedural Terminology Professional Edition, Copyright 2009 ~~2008~~, American Medical Association; the Current Dental Terminology, CDT-2009/2010 ~~2007/2008~~, Copyright 2008 ~~2006~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010 ~~2009~~", American Medical Association, ~~Twenty-first Edition~~, Copyright 2009 ~~2008~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition incorporated above, the provider must use a code contained in the CPT[®]-2010 ~~2009~~, CDT-2009/2010 ~~2007/2008~~ or HCPCS-2010 ~~2009~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street,

Tallahassee, Florida 32399-0311, or via the Department's web site at: <http://www.myfloridacfo.com/wc/provider/reimbursement-manuals.html>.

Rulemaking Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14)(c) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07, _____.

69L-7.100 Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs).

(1) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2010 ~~2006~~ Edition, (ASC Reimbursement Manual) is incorporated by reference as part of this rule. The ASC Reimbursement Manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances (MRAs) for services provided to an injured worker in connection with a surgical procedure performed in an Ambulatory Surgical Center.

(2) The ASC Reimbursement Manual refers to a number of procedure codes and modifiers that are consistent with the Current Procedural Terminology (CPT[®]), developed and published by the American Medical Association. When a service or procedure is performed that does not have a code listed in the ASC Reimbursement Manual, the Ambulatory Surgical Center shall refer to the Current Procedural Terminology (CPT[®]), 2010 ~~2007~~ Copyright 2009 ~~2006~~, American Medical Association, which is hereby incorporated by reference as part of this rule. In addition, the rule incorporates the 2010 ICD-9-CM Professional for Hospitals, Volumes 1, 2 and 3, International Classification of Diseases, 10th Revision, Clinical Modification, Copyright 2009, Ingenix, Inc. (American Medical Association); the Physician ICD-9-CM 2010, Volumes 1 & 2, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2009, Ingenix, Inc. (American Medical Association).

(3) The Current Dental Terminology (CDT-2009/2010 ~~2007/2008~~), Copyright 2008 ~~2006~~, American Dental Association, and the Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010 ~~2007~~, Twenty-second Nineteenth Edition, Copyright 2009 ~~2006~~, Ingenix Publishing Group, are incorporated by reference as part of this rule, for dental D codes, injectable J codes, and other medical services or supply codes as specified in the ASC Reimbursement Manual.

(4) The ASC Reimbursement Manual is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing

Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at: <http://www.myfloridacfo.com/wc/provider/reimbursement-manuals.html>.

Rulemaking Specific Authority 440.13(4), (14), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 8-7-91, Amended 12-31-92, Formerly 38F-7.100, 4L-7.100, Amended 9-4-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tanner Hollomon, Director, Division of Workers' Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2011 (69L-7.020); June 2, 2011 (69L-7.100)

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-2.0040	Sanitation Standards in K-12 Private Schools

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 15, April 15, 2011 Florida Administrative Weekly has been continued from June 21, 2011 to August 16, 2011.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0902	Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners
6A-6.09021	Annual English Language Proficiency Assessment for English Language Learners
6A-6.09022	Extension of Services in English for Speakers of Other Languages Program
6A-6.0903	Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners
6A-6.09031	Post Reclassification of English Language Learners

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 20, May 20, 2011 Florida Administrative Weekly has been continued from June 21, 2011 to August 16, 2011.

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12A-19.021	Communications Services Tax Brackets

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed creation of Rule 12A-19.021, F.A.C., Communications Services Tax Brackets, as published in the May 28, 2010 (Vol. 36, No. 21, p. 2442), issue of the Florida Administrative Weekly, and as noticed for change in the August 6, 2010 (Vol. 36, No. 31, p. 3586), and October 29, 2010 (Vol. 36, No. 43, p. 5261), issues of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NOS.:	RULE TITLES:
60A-1.002	Purchase of Commodities or Contractual Services
60A-1.016	Contract and Purchase Order Requirements
60A-1.025	State Purchasing Agreements
60A-1.041	Solicitation Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-8.001	Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 45, November 12, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-8.002	Monitoring Sterilization and Infection Control

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 45, November 12, 2010 issue of the Florida Administrative Weekly has been withdrawn.