

**DEPARTMENT OF ELDER AFFAIRS  
2011 ANNUAL REGULATORY PLAN  
EXECUTIVE ORDER 11-72**

Rule #	Rule Title	Rulemaking Authority	Topics Addressed	CODES: <u>D</u> =Duplicative; <u>UB</u> =Unnecessarily Burdensome; <u>NLN</u> = No Longer Necessary	Legislative Mandates that Negatively Impact Business & Job Creation— YES/NO	Recommendation
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<b>RULE CHAPTER 58A-1, F.A.C., Administration of Federal Aging Programs.</b>						
58A-1.002	Department Duties Under the Older Americans Act.	430.08, F.S. [shall adopt]	Outlines the Department's duties in the administration of the Older Americans Act programs.	D—included in statute	NO.	Repeal
58A-1.003	Department Assistance to the Advisory Council.	430.08, F.S. [shall adopt]	Outlines the assistance to be provided by Departmental Staff to the Advisory Committee.	D—included in statute	NO.	Repeal
58A-1.004	Responsibilities of the Department of Elder Affairs as the State Unit on Aging.	430.08, F.S. [shall adopt]	Provides Departmental responsibilities as the single state aging unit under the Federal Administration on Aging (AoA).	D—included in statute	NO.	Repeal
58A-1.005	Designation of Area Agencies on Aging.	430.08, F.S. [shall adopt]	Requires the Department to designate geographic planning and services areas (PSAs) to serve the elderly known as area agencies on aging (AAAs).	D—included in statute	NO.	Repeal
58A-1.0051	Procedures for Rescinding Designation of an Area Agency on Aging.	430.08, F.S. [shall adopt]	Outlines procedures for retracting the designation of an area agency on aging.	D—included in statute	NO.	Repeal
58A-1.006	The Area Agency on Aging's Area Plan.	430.08, F.S. [shall adopt]	Explains the requirements of the AAA in development of a comprehensive plan to serve elders in the PSA.	D—included in statute	NO.	Repeal
<b>RULE CHAPTER 58A-2, F.A.C., Hospice.</b>						
58A-2.003	License Requirements.	400.605, F.S. [shall adopt]	Outlines requirements for licensure for hospices.	D—parts of rules are now included under AHCA core licensure rules.		Amend rule to comply with JAPC recommendations to avoid duplication.
58A-2.004	Licensure Procedure.	400.605, F.S. [shall adopt]	Outlines specific procedures required for licensure of hospices.	D— parts of rules are now included under AHCA core licensure rules.		Amend rule to comply with JAPC recommendations to avoid duplication.
58A-2.025	Physical Plant Requirements (Inpatient Facility and Unit).	400.6051 [shall adopt]	Refers to s. 400.6051, F.S., which outlines building construction standards.	D—repeats statute	No.	Repeal rule.

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58A-2.027	Hospice Employee Training Requirements.	400.6045(1), F.S., [shall adopt]	Refers to Alzheimer's Disease and Related Disorders (ADRD) hospice employee training requirements.	UB	NO.	<b>Amend</b> rule to include ADRD training requirements under 1 rule chapter along with ADRD employee training requirements for nursing homes, adult day care centers, assisted living facilities and home health agencies. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
58A-2.028	Hospice Training Provider and Curriculum Approval.	400.6045(1), F.S., [shall adopt]	Refers to hospice ADRD training provider requirements and ADRD curriculum approval process.	UB	NO.	<b>Amend</b> rule to include ADRD hospice training provider requirements and curriculum approval process under 1 rule chapter along with ADRD training provider requirements and curriculum approval process for nursing homes, adult day care centers, assisted living facilities and home health agencies. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
<b>RULE CHAPTER 58A-4, F.A.C., Nursing Home Training.</b>						
58A-4.001	Nursing Home Employee Training Requirements.	400.1755, F.S. [shall adopt]	Refers to Alzheimer's Disease and Related Disorders (ADRD) nursing home employee training requirements	UB	NO.	<b>Amend</b> rule to include ADRD training requirements under 1 rule chapter along with ADRD employee training requirements for hospices, adult day care centers, assisted living facilities and home health agencies. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
58A-4.002	Nursing Home Training Provider and Curriculum Approval.	400.1755, F.S. [shall adopt]	Refers to nursing home Alzheimer's Disease and Related Disorders (ADRD) training provider requirements and ADRD curriculum approval process.	UB	NO.	<b>Amend</b> rule to include ADRD hospice training provider requirements and curriculum approval process under 1 rule chapter along with ADRD training provider requirements and curriculum approval process for hospices, adult day care centers, assisted living facilities and home health agencies. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.

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<b>RULE CHAPTER 58A-5, F.A.C., Assisted Living Facility.</b>						
58A-5.014	License Application, Change of Ownership, and Provisional Licenses.	429.41 [shall adopt]; 435.01	Provides requirements for license application; change of ownership, provisional licenses and license denial. Forms incorporated by reference are now included under Chapter 408, Part II, F.S., and Rule Chapter 59A-35, F.A.C.	D—parts are now included in AHCA core licensure rules.	Yes.	<b>Amend rule to comply with JAPC recommendations to avoid duplication with Chapter 408, Part II, F.S., and Rule Chapter 59A-35, F.A.C.; and, to comply with new background screening standards.</b>
58A-5.015	License Renewal and Conditional Licenses.	429.41 [shall adopt]; 435.01	Provides requirements for license renewal and conditional licenses.	D—parts are now included in AHCA core licensure rules.		<b>Amend rule to comply with JAPC recommendations to avoid duplication; and, to comply with new background screening standards.</b>
58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.	429.41 [shall adopt]	Provides procedures for admission criteria; health assessment; admission package; continued residency; and discharge criteria. Health Assessment Form Incorporated by reference.	UB	YES.	<b>Amend rule: Amend AHCA Form 1823, incorporated by reference: Remove page 5, Care Plan Section. Delete requirement of having AHCA Form 1823 completed every 3 years or after a significant change. Resulting rule will be less burdensome.</b>
58A-5.019	Staffing Standards	429.275, 429.041, 435.01	Describes background screening requirements for administrators, managers, and staff.		YES, but this is a health, safety, welfare issue and is not an unreasonable restriction on persons seeking employment.	<b>Amend rule to revise subsections (1) and (3) for compliance with new background screening requirements.</b>
58A-5.0191	Staff Training Requirements and Competency Test.	429.178 [shall adopt]; 429.41 [shall adopt]; 429.52 [shall adopt]	Provides training requirements for assisted living core training and competency test; staff training; HIV/AIDS; medication and medication management; nutrition and food service; extended congregate care; limited mental health ; Alzheimer's disease and related disorders (ARD) staff training; ARD training provider and curriculum approval process; do not resuscitate order training; and training documentation requirements.	UB	YES.	<b>Amend rule [subsections (9), (10)] to include ARD training requirements and provider qualifications and curriculum approval process under 1 rule chapter along with ARD employee training requirements for hospices, adult day care centers, nursing homes and home health agencies.</b>
58A-5.024	Records.	429.275, 429.41, 435.01	Describes the types of records that the facility must maintain, including background screening records.		NO.	<b>Amend rule to revise subsection (2) for compliance with new background screening requirements.</b>

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58A-5.033	Administrative Enforcement.	429.41 [shall adopt]; 429.42 [may adopt—for pharmacy consultant required by statute]	Provides for inspections by the AHCA; describes an abbreviated survey; describes survey deficiency classes; requires employment of a consultant for certain medication deficiencies; and provides for administrative sanctions.	NLN—parts of rule which are now included in Chapter 408, Part II, F.S., and Rule Chapter 59A-35, F.A.C.	NO.	<b>Amend rule</b> to delete parts now included in Chapter 408, Part II, F.S., and Rule Chapter 59A-35, F.A.C.
58A-5.035	Waivers.	429.41 [may adopt]	Provides procedures for applying for a waiver of rules. Includes the application process; outlines agency procedures; and facility reporting requirement.	UB—proof for granting waiver		<b>Amend rule</b> to streamline procedure for obtaining a waiver to the adherence of specific rules, except for those involving the health safety and welfare issues.
<b>RULE CHAPTER 58A-6, F.A.C., Adult Day Care.</b>						
58A-6.003	Licensure Application Procedures.	429.929 [shall adopt]	Provides requirements for license application. Form incorporated by reference (now in AHCA core licensure rule.)	D—parts are now included in AHCA core licensure rules.	NO.	<b>Amend rule</b> to comply with JAPC recommendations to avoid duplication. Subsections (1), (3), (5), (6) should be amended. Subsections (2), (4), (7) should be deleted to comply with core licensure requirements transferred under Chapter 408, Part II, F.S., and Rule Chapter 59A-35, F.A.C.
58A-6.004	Unlicensed Centers.	429.929 [shall adopt]	Sets forth the procedures for a unlicensed center to become licensed or face misdemeanor second degree charge	No statutory authority. Included under AHCA Chp. 408, Part II, F.S. and Rule Chapter 59A-35, F.A.C.	NO.	<b>Repeal</b>
58A-6.0051	Change of Ownership; Marketing.	429.929 [shall adopt]	Includes procedures for a change of ownership.	D—parts are now included in AHCA core licensure rules. Included under AHCA Chapter 408, Part II, F.S. and Rule Chapter 59A-35, F.A.C.	NO.	<b>Repeal</b>
58A-6.014	Administrative Enforcement.	429.929 [shall adopt]	Outlines types of surveys; license denial, suspension and revocation.	D—included under core licensure requirements (Chapter 408, Part II, F.S., and Rule 59A-35, F.A.C.)		<b>Repeal.</b>

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58A-6.015	Adult Day Care Center Employee Training Requirements.	429.917(1) [shall adopt]	Provides for Alzheimer's disease and related disorders (ADRD) staff training requirements.		NO.	<b>Amend</b> rule to include ADRD training requirements under 1 rule chapter along with ADRD employee training requirements for hospices, nursing homes, assisted living facilities and home health agencies. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
58A-6.016	Adult Day Care Center Training Provider and Curriculum Approval.	429.917(1) [shall adopt]	Provides for ADRD training provider and curriculum approval process. Forms incorporated by reference for ADRD training provider and curriculum approvals.		NO.	<b>Amend</b> rule to include ADRD adult day care training provider requirements and curriculum approval process under 1 rule chapter along with ADRD training provider requirements and curriculum approval process for hospices, nursing homes, assisted living facilities and home health agencies. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
<b>RULE CHAPTER 58A-8, F.A.C., Alzheimer's Disease and Related Disorders (ADRD) Training Requirements.</b>						
58A-8.001	Alzheimer's Disease and Related Disorders (ADRD) Training Requirements.	400.4785 [shall adopt]	Refers to Alzheimer's Disease and Related Disorders (ADRD) home health agency employee training requirements.		NO.	<b>Amend</b> rule to include ADRD training requirements under 1 rule chapter along with ADRD employee training requirements for hospices (Hs) , adult day care centers (ADCCs), assisted living facilities (ALFs) and nursing homes (NHs). <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
58A-8.002	ADRD Training Provider and Curriculum Approval	400.4785 [shall adopt]	Refers to home health agency ADRD training provider requirements and ADRD curriculum approval process.		NO.	<b>Amend</b> rule to include ADRD hospice training provider requirements and curriculum approval process for under 1 rule chapter. <b>Repeal</b> rule after incorporated in Rule Chapter 58T-1.
<b>RULE CHAPTER 58A-14, F.A.C., Adult Family-Care Homes.</b>						
58A-14.003	License Application, Renewal and Conditional Licenses.	429.67 [may adopt]; 429.73 [shall adopt]	Outlines procedures and references for license application, license renewal, conditional licenses and license denial. Licensure form incorporated by reference.	D—parts are now included in AHCA core licensure rules.	NO.	<b>Amend</b> rule to comply with JAPC recommendations to avoid duplication.
58A-14.008	Staff Qualifications, Responsibilities and Training	429.67 and 429.75 [may adopt]; 429.73 [shall adopt]	Minimum staff qualifications for providers and relief persons; and training requirements. Background screening form incorporated by reference.		NO.	<b>Amend</b> rule to remove obsolete level 1 background screening requirement and replace with level 2 background screening requirement per Chapter 408, Part II, F.S., and Rule Chapter 59A-35, F.A.C.

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<b>RULE CHAPTER 58C-1, F.A.C., Administration of the Community Care for the Elderly Program.</b>						
58C-1.003	Administration.	430.08 (shall adopt)	Outlines general requirements for the Department, the area agencies on aging (AAAs) and lead agencies responsibilities in the administration of the CCE program and services.	D, NLN	NO.	Repeal rule as requirements are included in individual contracts.
58C-1.005	Service Provider Requirements.	430.08 (shall adopt)	Refers to the service providers' contracts with the AAA or lead agency.	D, NLN		Repeal rule as the requirements are included in individual contracts.
<b>RULE CHAPTER 58D-1, F.A.C., Administration of the Alzheimer's Disease Initiative.</b>						
58D-1.001	Purpose.	430.08 (shall adopt)	Establishes the purpose of the Alzheimer's Disease Initiative (ADI).	D, NLN		Repeal rule. The purpose and intent is included in s. 430.202, F.S.
<b>RULE CHAPTER 58H-1, F.A.C., Home Care for the Elderly.</b>						
58H-1.001	Purpose.	430.08 (shall adopt)	Establishes the purpose of the home care for the elderly (HCE) program.	D, NLN		Repeal rule. The purpose and intent is included in s. 430.601, F.S.
58H-1.004	Access to the Program.	430.08 (shall adopt), 430.603	Establishes the procedure for citizens to access the HCE program.	D, NLN		Repeal rule as the requirements are included in individual contracts.
<b>RULE CHAPTER 58L-1, F.A.C., Long-Term Care Ombudsman.</b>						
58L-1.005	Access.	400.0081 [may adopt]	References federal and state statutes granting access to long-term care facilities, residents and records. Outlines procedure if access is denied.	D—included in statute	NO.	Repeal rule.
58L-1.008	Administrative Assessment	400.0071 [shall adopt]	Outlines procedures for conducting administrative assessments. Administrative assessment form incorporated by reference.	D—duplicates AHCA surveys; UB	YES.	Amend assessment form to shift focus from regulatory to resident centered.

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<b>RULE CHAPTER 58M-2, F.A.C., Guardianship.</b>						
58M-2.001	Professional Guardian Registration.	744.1083(6) [may adopt]	Establishes procedures for registration as a professional guardian and incorporates by reference registration forms.		NO.	Amend rule to update registration forms incorporated by reference.
58M-2.003	Professional Guardian Coursework and Competency Examination.	744.1083(6) [may adopt]; 744.1085(6) [shall adopt]	Outlines requirements for professional guardian coursework, successful completion of a competency examination, continuing education and annual renewal.		NO.	Amend to include an internship as part of the professional guardian coursework.
58M-2.005	Confidentiality.	744.1083(6) (may adopt)	Addresses confidentiality regarding social security numbers.	D—included in statute	NO.	Repeal rule.
<b>RULE CHAPTER 58T-1, F.A.C., Training Requiring Provider and Curriculum Approvals.</b>						
58T-1.201	Purpose of Assisted Living Facility (ALF) Core Training Provider and Curriculum Approvals.	429.52 (shall adopt)	Outlines the purpose of the ALF Core Training rules.	NLN		Repeal rule.
58T-1.101	New Rule	429.52 (shall adopt)	New rule to address Alzheimer's disease and related disorders (ADRD) staff training requirements, and ADRD training provider and curriculum approval process - combined into one rule and moved from rule chapters for hospices, nursing homes, assisted living facilities, adult day care, and home health agencies. Incorporate forms by reference for ADRD training provider and curriculum approvals.		NO.	New rule to include ADRD training provider requirements and curriculum approval process under 1 rule chapter for hospices, nursing homes, assisted living facilities, adult day care, and home health agencies.
<b>RULE CHAPTER 58-2, F.A.C., Background Screening.</b>						
58-2	New Rule	435.01(2); 430.08	New rule to establish procedures in order to comply with the requirements of section 430.0402, F.S. , which mandates a Level 2 background screening for direct service providers.		YES, but this is a health, safety, welfare issue and is not an unreasonable restriction on persons seeking employment.	New rule to establish procedures for implementation of Level 2 background screening for all employees or volunteers who have direct contact with recipients receiving services under jurisdiction of the Department. Incorporate both affidavit and exemption from disqualification forms in rule.