

**Department of Elder Affairs
2014-2015 Annual Regulatory Plan**

Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
58A-5.019	Do Not Resuscitate Orders (DNROs)	Rule Amendment	Update Rule (Explain)	This rule was last amended in April of 2014. Some of the changes made to the rule include incorrect citing references to Rule 58A-5.0191, Florida Administrative Code. The Department is proposing to amend the rule to correct these incorrect citing references.	This rule provides procedures governing election and coordination of Do Not Resuscitate Orders (DNROs) in assisted living facilities.	The Department is proposing to amend this rule to correct incorrect citing references to Rule 58A-5.0191, Florida Administrative Code.	None	No

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58A-5.0191	Staff Training Requirements and Competency Test	Rule Amendment	Update Rule (Explain)	<p>In April of 2014, proposed changes to this rule were submitted to the legislature for ratification. The legislature did not ratify the proposed changes to the rule which included increased training requirements for ALF employees. The Department is considering the possibility of updating and modernizing the rule without adding in the increased training requirements that triggered the need for legislative ratification. Alternatively, the Department could resubmit the proposed rule to the legislature for ratification.</p>	<p>This rule specifies training and educational requirements for administrators, managers, and staff of assisted living facilities.</p>	<p>The Department is proposing to amend this rule to eliminate regulatory conflicts between Chapters 408 and 429, Florida Statutes; streamline, clarify, and reduce burdensome reporting requirements; and to address necessary safeguards to ensure the health, safety, and welfare of individuals residing in Florida's assisted living facilities.</p>	Ratification	Yes

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58A-5.0194	Alzheimer's Disease or Related Disorders Training Provider and Curriculum Approval	Rule Amendment	Update Rule (Explain)	This rule was last amended in April of 2014. Some of the changes made to the rule include incorrect citing references to Rule 58A-5.0191, Florida Administrative Code. The Department is proposing to amend the rule to correct these incorrect citing references.	This rule provides a process for Alzheimer's disease or related disorders provider and curriculum approval within assisted living facilities.	The Department is proposing to amend this rule to correct incorrect citing references to Rule 58A-5.0191, Florida Administrative Code.	None	No
58D-1.002	Definitions	Rule Amendment	Non-mandatory Statutory Change (List statute. Include effective date)	Section 429.918, Florida Statutes. Effective July 1, 2012.	Rule Chapter 58D-1 governs the administration of the Alzheimer's disease initiative ("ADI"). The Alzheimer's disease initiative consists of several components including the funding of memory disorder clinics, brain banks, a model day care program and respite care and support services to persons suffering from Alzheimer's Disease and related disorders. Rule 58D-1.002 provides program definitions for terms relative to the Alzheimer's Disease Initiative.	The Department is seeking to modernize the portion of this rule that deals with the model day care program to meet the definitions in the Specialized Alzheimer's Services Adult Day Care Act (Section 429.918, Florida Statutes) which was enacted in 2012.	None	No

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58D-1.003	Eligibility	rule Amendment	Non-mandatory Statutory Change (List statute. Include effective date)	Section 429.918, Florida Statutes. Effective July 1, 2012.	Rule Chapter 58D-1 governs the administration of the Alzheimer's disease initiative ("ADI"). The Alzheimer's disease initiative consists of several components including the funding of memory disorder clinics, brain banks, a model day care program and respite care and support services to persons suffering from Alzheimer's Disease and related disorders. Rule 58D-1.003 provides eligibility criteria for program participants.	The Department is seeking to modernize the portion of this rule that deals with the model day care program to meet the definitions in the Specialized Alzheimer's Services Adult Day Care Act (section 429.918, Florida Statutes) which was enacted in 2012.	None	No

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58D-1.004	Program Components	Rule Amendment	Non-mandatory Statutory Change (List statute. Include effective date)	Section 429.918, Florida Statutes. Effective July 1, 2012.	Rule Chapter 58D-1 governs the administration of the Alzheimer's disease initiative ("ADI"). The Alzheimer's disease initiative consists of several components including the funding of memory disorder clinics, brain banks, a model day care program and respite care and support services to persons suffering from Alzheimer's Disease and related disorders. Rule 58D-1.004 governs the role of the Alzheimer's Disease Advisory Committee in advising the Department on each component of the ADI. The Alzheimer's Disease Advisory Committee is comprised of 10 members selected by the Governor.	The Department is seeking to modernize the portion of this rule that deals with the model day care program to meet the definitions in the Specialized Alzheimer's Services Adult Day Care Act (section 429.918, Florida Statutes) which was enacted in 2012.	None	No

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58D-1.005	Program Administration	Rule Amendment	Non-mandatory Statutory Change (List statute. Include effective date)	Section 429.918, Florida Statutes. Effective July 1, 2012.	Rule Chapter 58D-1 governs the administration of the Alzheimer's disease initiative ("ADI"). The Alzheimer's disease initiative consists of several components including the funding of memory disorder clinics, brain banks, a model day care program and respite care and support services to persons suffering from Alzheimer's Disease and related disorders. Rule 58D-1.005 governs the administrative responsibilities of the Department to plan, develop and coordinate the program statewide.	The Department is seeking to modernize the portion of this rule that deals with the model day care program to meet the definitions in the Specialized Alzheimer's Services Adult Day Care Act (section 429.918, Florida Statutes) which was enacted in 2012.	None	No
58D-1.006	Service Provider Responsibilities	Rule Amendment	Non-mandatory Statutory Change (List statute. Include effective date)	Section 429.918, Florida Statutes. Effective July 1, 2012.	Rule Chapter 58D-1 governs the administration of the Alzheimer's disease initiative ("ADI"). The Alzheimer's disease initiative consists of several components including the funding of memory disorder clinics, brain banks, a model day care program and respite care and support services to persons suffering from Alzheimer's Disease and related disorders. Rule 58D-1.006 governs program responsibilities for service providers associated with the ADI.	The Department is seeking to modernize the portion of this rule that deals with the model day care program to meet the definitions in the Specialized Alzheimer's Services Adult Day Care Act (section 429.918, Florida Statutes) which was enacted in 2012.	None	No

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58L-1.001	Confidentiality and Disclosure	Rule Amendment	Update Rule (Explain)	The rule does not adequately prescribe a procedure for handling confidential and protected health information that may be in ombudsman program files.	Describes regulatory citations that ombudsmen must be aware of but does not establish procedure for handling confidential ombudsman program files.	Delete duplicative rules, establish procedures for handling ombudsman files containing confidential and protected health information.	None	No
58L-1.0011	Definitions	Rule Amendment	Update Rule (Explain)	Some of the definitions use imprecise terminology which creates conflicting interpretations when using the defined terms in other sections of the rule chapter.	Provides definitions	Update and refine definitions; revise to more closely align terminology and definitions with current program processes and the Older Americans Act.	None	No
58L-1.005	Access	Rule Amendment	Update Rule (Explain)	The rule does not adequately prescribe a procedure for ensuring access to facilities, residents, and records as contemplated in the implementing statute; terminology needs to be updated.	Describes regulatory citations that long-term care facilities must be aware of in regard to access by ombudsman.	Delete duplicative rules, revise incorrect terminology.	None	No
58L-1.006	Conflict of Interest	Rule Amendment	Update Rule (Explain)	The situations describing prohibited conflicts of interest are vague in areas and should be clarified; a process to allow for a remedy for certain conflicts of interest is not established as allowed in the Older Americans Act.	Describes situations constituting a conflict of interest for volunteer or staff ombudsmen, describes procedure for stating an individual has no conflict.	Delete duplicative rules, clarify situations constituting a prohibited conflict of interest, clarify procedures and revise in conformance with Older Americans Act.	None	No

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58L-1.007	Complaint Procedures	Rule Amendment	Update Rule (Explain)	The rule and incorporated form needs to be updated to correct procedures and processes problems learned since the implementation of the rule; terminology needs to conform to current program practice.	Sets forth procedures for receiving complaints concerning residents of long-term care facilities and procedures for conducting an investigation.	Update and refine procedures; revise to more closely align terminology with current program processes and the Older Americans Act, revise incorporated form.	None	No
58L-1.008	Administrative Assessment	Rule Amendment	Update Rule (Explain)	The rule needs to be updated to correct procedures and terminology that have been revised since the effective date of the rule.	Sets procedures for conducting annual administrative assessments.	Update and refine process, conform terminology with current program usage.	None	no

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