

Notice of Proposed Rule

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-2.008 Staffing Requirements

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend the existing rule to allow licensed facilities to hire direct service providers without the experience requirements as described within this section, if during their first 90 days of employment such direct service providers are under the direct supervision of another direct service provider that possesses the required experience as described within this section.

SUMMARY: These rules implement the provisions of Section 393.067, F.S., which authorize the Agency to adopt rules through its licensing authority and by rule license application procedures, provider qualifications, facility and client care standards, requirement for client records, requirements for staff qualifications and training, and requirements for monitoring foster care facilities, group home facilities, residential habilitation centers, and comprehensive education programs that serve agency clients.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Specifically, the Agency relied upon the nature of the rules and the agency's analysis of factors determining that a SERC was not required.

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: 393.501, 393.067, FS.

LAW IMPLEMENTED: 393.0655, 393.067, FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 21, 2017, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399-0950

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 48 hours before the workshop/meeting by contacting: Michele Lucas. 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: Michele Lucas, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335K, Tallahassee, Florida 32399, (850)921-3779, michele.lucas@apdcares.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-2.008 Staffing Requirements.

(1) The licensee shall employ adequate staff to maintain the facility in a manner that promotes and ensures the health, safety, and welfare of residents, and protects those who are not residents of the facility from any known dangerous behaviors that the residents exhibit. A violation of this subsection shall constitute a Class I violation.

(a) through (e) No change.

(f) "Prior to beginning employment, direct service providers must have at least one year experience in a medical, psychiatric, nursing or childcare setting or working with person with a developmental disability. Successfully completed college, vocational or technical training equal to 30 semester hours, 45 quarter hours, or 720 classroom hours in special education, mental health, counseling, guidance, social work or health and rehabilitative services can substitute for the required experience. Direct service providers hired by the licensee prior to the

adoption date of this rule shall be exempt from this requirement. Licensees may allow direct service providers to begin their employment without the experience requirements described within this section if such direct service providers spend their first 90 days of employment working directly under the supervision or oversight of another direct service provider who does possess the required experience requirements. If such arrangements will be made for a direct service provider, the licensee shall provide written notification to the Regional Office, to include the name of the direct service provider and the facility in which he or she will be working, within five business days of the direct service provider's employment. The licensee shall conduct a performance evaluation of any direct service provider, working under this section's exception to the experience requirement, within 120 days of his or her employment. Documentation of this performance evaluation shall be maintained within the personnel file of the direct service provider and made available to the Agency upon request. A violation of this paragraph shall constitute a Class III violation.”

(g) through (h) No change.

(2) through (7) No change.

Rulemaking authority 393.501, 393.067 FS. Law Implemented 393.0655, 393.067, FS. History-New 7-1-14, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michele Lucas

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbara Palmer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 06, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 1, 2017