

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin C#06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-4.001	Definitions for Behavior Analysis Certification and Services Rules
65G-4.0011	Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts
65G-4.003	Certification as a Behavior Analyst
65G-4.004	Certification as an Associate Behavior Analyst
65G-4.005	Renewal of Behavior Analysis Certification
65G-4.006	Approved Continuing Education
65G-4.007	Behavior Analysis Certification Fees
65G-4.008	Behavior Analysis Services Oversight System Organization
65G-4.009	Design, Implementation and Monitoring of Behavior Analysis Services
65G-4.010	Behavior Analysis Services Approval
65G-4.012	Determination of Mental Retardation: Intelligence Tests to be Administered

**PURPOSE AND EFFECT:** The purpose of the proposed rulemaking is to clarify existing language, to ensure effective program administration and reflect changes in provider practice.

**SUBJECT AREA TO BE ADDRESSED:** The purpose of the proposed rulemaking is to clarify and amend certain provisions regarding the provision of behavior analysis services provided under Rules 65G-4.001, 65G-4.008, 65G-4.009, 65G-4.010, and 65G-4.012, create new Rules 65G-4.0011 and 65G-4.0012, F.A.C. This amendment includes the repeal of Rules 65G-4.003, 65G-4.004, 65G-4.005, 65G-4.006 and 65G-4.007, F.A.C.

**RULEMAKING AUTHORITY:** 393.063, 393.125, 393.13(4)(g)3., 393.17, 393.501, 916.106 FS.

**LAW IMPLEMENTED:** 393.0651, 393.066, 393.067, 393.068, 393.125, 393.13, 393.17(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 20, 2009, 1:30 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference 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 7 days before the workshop/meeting by contacting: Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-8695. 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 IS: Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-8695

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

BEHAVIORAL SERVICES: PRACTICE AND PROCEDURE SERVICE DELIVERY PRACTICE AND PROCEDURE

65G-4.001 Definitions for Behavior Analysis Certification and Services Rules.

(1) Behavior analysis – refers to the use of scientific methods to change socially meaningful behavior. This process entails gathering information to analyze or describe the link between behavior and environment. It includes assessment of the environment and consequences that are maintaining the behavior targeted for change. It also encompasses changing the situations in the environment that trigger problem behavior and arranging situations that will provide the opportunity for desirable behaviors to occur. Behavior Analysis interventions teach skills to replace the behavior targeted for change and arrange delivery of consequences for desirable and undesirable behavior. A behavior analytic intervention also includes strategies and approaches to maintain the gains of the intervention over time and in varied settings. Behavior change interventions are based on the principles and laws of behavior. Behavior analytic interventions require monitoring or evaluation for effectiveness through direct observation and quantification of the behavior targeted for change. Caregivers and family members are actively involved in the behavior analysis process and are taught how to implement specific techniques or changes in the environment. The design, implementation and evaluation of systematic environmental modifications for the purposes of producing socially significant improvements in and understanding of human behavior based on the principles of behavior identified through the experimental analysis of behavior. It includes the

identification of functional relationships between behavior and environment. It uses direct observation and measurement of behavior and environment. Contextual factors, establishing operations, antecedent stimuli, positive reinforcers and other consequences are used, based on identified functional relationships between behavior and environment, in order to produce practical behavior change. Behavior analysis does not rely on cognitive therapies and expressly excludes psychological testing, neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy and long term counseling as treatment modalities.

(2) Behavior analysis services – The use of behavior analysis to assist a person or persons to learn new behavior, to increase existing behavior, to reduce existing behavior, and to emit behavior under precise environmental conditions. The term “behavior analysis services” includes the terms “behavioral programming,” “behavioral supports,” “behavior modification programs,” “behavior intervention plans,” “behavior plans” and “behavioral programs,” as well as any interventions designed to ameliorate dangerous behavior as described in paragraphs 65G-4.010(2)(a) through (h), F.A.C., below, through the teaching of appropriate replacement responses such as communication training, direct instruction or discrete trials training.

(3) Certification Body – A nonprofit corporation whose standards for certification of behavior analysts and assistant behavior analysts adheres to the national standards of boards that determine professional credentials to meet the needs of behavior analysts, state governments and consumers of behavior analysis services. The certification procedure of the nonprofit corporation must undergo regular psychometric review and validation pursuant to a job analysis survey of the profession and standards established by content experts in the field.

(4)(3) Consultation – Monthly contacts between an assistant behavior analyst applicant for certification and a consulting certified behavior analyst or a person with the education and experience required for certification as a behavior analyst, during which the behavior analysis services provided by the assistant behavior analyst applicant are evaluated. At the time consultation is provided, the consulting behavior analyst shall not be the assistant behavior analyst’s applicant’s subordinate or employee. The consulting behavior analyst shall not be considered an employee of the assistant behavior analyst applicant if the only compensation received by the consulting behavior analyst consists of payment for consultation. Monthly contacts may include the assistant behavior analyst’s applicant’s presentation of behavior analysis services designed by the assistant behavior analyst applicant, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C.

(4) Supervision – Face-to-face meetings for at least two hours every two weeks or two hours per 40 hours of the applicant’s contact with clients, between the applicant and a certified behavior analyst or a person with the education and experience required for certification as a behavior analyst, during which the supervising behavior analyst directs and evaluates the behavior analysis services provided by the applicant. The supervising behavior analyst shall not be, at the time supervision is provided, the applicant’s subordinate or employee. The supervising behavior analyst shall not be considered an employee of the applicant if the only compensation received by the supervising behavior analyst consists of payment for supervision. The applicant’s presentation of behavior analysis services designed and implemented by the applicant, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C., may be substituted for up to 25 percent of the total supervision time needed to be eligible to take the behavior analyst certification examination.

(5) Provider – An enrolled professional authorized to provide behavior analysis services. Only individuals who are board certified behavior analysts or persons licensed in accordance with Chapter 490 or 491, F.S., on active status, and demonstrating supervision as required, may be providers of behavior analysis services. Only those providers holding a certificate on active status from a recognized certification organization for behavior analysis shall use the title, “certified behavior analyst.” Individuals performing behavior analysis services shall limit their practice to areas of documented expertise and in accordance with their education, training, and certification or licensure, unless otherwise demonstrating evidence of supervision by an individual meeting the requisite education, training, and certification.

(6) Regular psychometric review and validation – A certification process which complies with recognized national standards in the testing and certification industry to ensure the certification examinations are fair, valid and reliable and in conformance with recognized standards such as those of the International Organization for Standardization (ISO) or the National Commission for Certifying Agencies (NCCA).

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.023, 65B-4.023, Amended \_\_\_\_\_.

65G-4.0011 Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts. Pursuant to Rule 65G-4.001, F.A.C., and as required by Section 393.17(2), F.S., recognizes the certification for behavior analysts awarded by the following organizations:

Behavior Analyst Certification Board, Inc.  
1705 Metropolitan Blvd., Ste. 102  
Tallahassee, FL 32308

Specific Authority 393.17(2) FS. Law Implemented 393.17(2) FS. History–New \_\_\_\_\_.

65G-4.003 Certification as a Behavior Analyst.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.024, 65B-4.024, Repealed \_\_\_\_\_.

65G-4.004 Certification as an Associate Behavior Analyst.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.025, 65B-4.025, Repealed \_\_\_\_\_.

65G-4.005 Renewal of Behavior Analysis Certification.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.026, 65B-4.026, Repealed \_\_\_\_\_.

65G-4.006 Approved Continuing Education.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.17 FS. History–New 9-23-96, Formerly 10F-4.028, 65B-4.027, Repealed \_\_\_\_\_.

65G-4.007 Behavior Analysis Certification Fees.

Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.17 FS. History–New 9-23-96, Formerly 10F-4.028, 65B-4.027, Repealed \_\_\_\_\_.

65G-4.008 Behavior Analysis Services Oversight System Organization.

(1) The Agency will establish and maintain a behavioral services program including a senior clinician, or Agency Senior Behavior Analyst (ASBA) to assume direction for standards of behavioral practice, develop and manage systems of quality, utilization and cost containment for statewide behavioral practice. The ASBA holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the ASBA must be a certified behavior analyst with at least the education and experience established by the designated certification board as eligibility requirements for taking the board’s behavior analyst examination. The behavioral services program will also include the support of at least one master’s level board certified behavior analyst. The ASBA will direct:

(a) Standards of practice.

1. Area Behavior Analysts will be recruited, appointed, given clinical supervision and direction and annually evaluated in conjunction with their functional supervisor in the area to which they are assigned.

2. Committees.

a. The Local Review Committees working in conjunction with the ASBA will establish guidelines for committee function, charter and membership.

b. The Peer Review Committee working in conjunction with the ASBA will establish a committee charter and membership, as well as annual projects including, at minimum, review of behavioral practices in at least one Developmental Disability Center, at least one state operated forensic facility, at least one area community residential behavioral provider, at least one Local Review Committee, and other services as identified by the Agency.

3. Standards for Behavior Analysis Provider Practices will be established in conjunction with Area Behavior Analysts to assure that common requirements are implemented statewide, including but not limited to designating individuals as local service providers, assigning referrals, standards for time frames and process for behavioral program reviews and approvals, standards for behavioral assessment content and behavioral program content, standards for graphic display of data, documentation and billing.

4. Residential Behavioral Provider Standards will be established to determine eligibility requirements, and a common process created for Area approval and designation for providers of behavioral residential services, consistent with programs provided by the Agency.

5. Quality management and utilization standards for behavior analysis services and behavioral residential habilitation will be coordinated and implemented in coordination with:

a. Agency Quality Management.

b. Contracted Quality Management.

c. Area Licensing Coordinators

d. LRC and PRC Committees.

e. Prior Service Authorization agency, and

f. Agency for Health Care Administration.

(2)(1) A statewide peer review committee (PRC) and local review committees (LRCs) shall be appointed by the Agency to provide oversight of behavior analysis services.

(a) The Agency will establish the composition, function and procedures to be followed by the committees. Each committee shall operate in accordance with by-laws written by the committee and approved by the Agency prior to their implementation by the committee.

(b) Each committee shall be chaired by a person who holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the chairperson must

be a certified behavior analyst with at least the education and experience requirements for taking the board's behavior analyst examination.

(c) Local review committees may establish subcommittees within a division of the area office or institution or, upon mutual agreement between an area office and a provider, within a program or programs operated by the provider, and operate under the rules governing local review committees. The LRC shall remain responsible for the decisions of the subcommittees.

1. A sufficient number of LRCs shall be established to allow for the timely review of behavior analysis services as required by law and rule. Subcommittees shall operate under the rules governing local review committees, however, the local review committees shall remain responsible for the decisions of the subcommittee.

2. Each LRC will be chaired by an individual meeting the qualifications above who is either an employee of the Agency or under contract to provide this service. Under no circumstances may the chair participate in the LRC review of his or her own services or related services. Each subcommittee that oversees behavior analysis services of a single provider of a statewide program must be approved by the Agency in advance of the committee making decisions authorized by these rules.

(2) The PRC statewide committee shall conduct on-site reviews of behavior analysis services including the operations of local review committees; provide training and technical assistance related to client and systemic behavior analysis services issues; monitor the development of the behavior analysis certification examinations to ensure that they are consistent with practice and testing standards; and provide recommendations regarding laws and regulations that affect behavior analysis services.

(3) Each area office, and each developmental disabilities center institution, hereafter referred to as a "facility," institution shall have a local review committee that shall oversee behavior analysis services provided to clients in their area or facility institution as specified in paragraphs (a)-(c), below:

(a) The committee shall review all behavior analysis services and use of reactive strategies in the area or facility to ensure that these services are designed and approved in accordance with Florida Statutes and Agency rules.

(b)1- The person who designed the services or their designee shall be present during the initial committee review. A person with primary responsibility for the ongoing implementation and monitoring of the services shall be present at all future meetings at which the services are reviewed by the committee.

2. Any person can bring a behavior analysis services plan before the committee for its review.

(c)(b) The committee shall monitor behavior analysis services reviewed by the committee in accordance with a monitoring schedule plan developed and approved by the committee to ensure that behavior analysis services are in compliance with Florida Statutes and the Agency rules. Approval of services includes the determination by the LRC chairperson that the individual designing and implementing the behavior analysis services is in compliance with subsection 65G-4.002(5), F.A.C., above, or is appropriately supervised.

(d)(e) If use of reactive strategies and behavior analysis services are not found not to be in accordance with Florida law, the committee shall request that the Agency notify the provider of the services, in writing and orally at the time of review and in writing within ten days of review in the language of the provider and in English, of each area of non-compliance.

1. Absent emergency circumstances that threaten public health, safety or welfare, the provider shall have 20 days within which to demonstrate compliance or present to the committee in writing evidence showing that the services being provided are in compliance with Florida Statutes and the Agency rules. The provider may present whatever evidence the provider deems appropriate to demonstrate that the provider is in compliance with Florida Statutes and the Agency rules.

2. If, however, the committee determines that the provider is not in compliance with Florida Statutes or the Agency rules, the committee shall report all facts and circumstances to the Agency in writing within five days of the provider's response and request a final decision be made by the department.

3. Within twenty days of such report, the Agency shall notify the committee, in writing, and the provider, in writing and orally in the language of the provider and in English, of its decision. In the event the Agency finds the provider is not in compliance with Florida Statutes or the Agency rules, the Agency shall take appropriate action against the provider up to and including withdrawal of status as an authorized provider, notification of the designated certification or licensing board, and revoke the provider's behavior analysis certification require that the services being provided be discontinued and notify the provider of the provider's rights in accordance with Chapter 120, F.S.

4. Following a committee report set forth above, the Agency may require additional supervision of the provider's services. The requirement for additional supervision may be a prerequisite for allowing the provider to continue to serve as an authorized behavior analysis services provider. Such required supervision may include the following conditions:

a. Face-to-face meetings for up to two hours every two weeks or two hours per 40 hours of the provider's contact with clients. These meetings shall be between the provider and a board certified behavior analyst, during which the supervising behavior analyst directs and evaluates the behavior analysis services provided by the provider.

b. The supervising behavior analyst shall not be, at the time supervision is provided, the provider's subordinate or employee. The supervising behavior analyst shall not be considered an employee of the provider if the only compensation received by the supervising behavior analyst consists of payment for supervision.

c. The provider's presentation of behavior analysis services designed and implemented by the provider, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C., may be substituted for up to 25 percent of the total supervision time required.

Rulemaking Specific Authority 393.125, 393.13(4)(g)3., 393.17 FS. Law Implemented 393.066, 393.067, 393.125, 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.029, 65B-4.029, Amended \_\_\_\_\_.

65G-4.009 Design, Implementation and Monitoring of Behavior Analysis Services.

(1) Providers of behavior analysis services shall provide services only as certified and as provided by law.

(2) All aspects of behavior analysis services shall be integrated by the provider with other relevant services and supports being provided to the client.

(3) The selection of behavior analysis procedures and decisions by the provider to make environmental changes that obviate the need for the use of behavior change procedures shall be based upon information obtained through valid assessment ~~descriptive analysis or systematic environmental manipulations~~ designed to identify functional relationships between the behavior or behaviors targeted for change and the environment. Consistent with established Agency operating procedure, the assessment will contain at minimum:

(a) Operational definitions of all behavior targeted for change.

(b) Conditions under which the behavior is most likely to occur.

(c) Measures of current level of behavior targeted for change.

(d) Any other relevant personal, social, medical or historical information that may impact on behavior targeted for change.

(e) Putative functional relationships between targeted behavior and environment.

(f) Recommendations for procedures to decrease maladaptive behavior and increase relevant appropriate alternative behavior.

(4) Behavior analysis services designed by the provider to decrease behavior shall include procedures for increasing functional replacement behavior, or acquisition of adaptive skills to serve as a functional alternative to the behaviors targeted for change.

(5) Behavior analysis procedures that are the least intrusive to the client and the most likely to be effective shall be used by the provider.

(6) Medical treatment to address purely medical etiologies or physical or occupational therapies to address behaviors that is related ~~are due~~ to physical limitations shall be provided concurrent with, or prior to, the implementation of behavior analysis services by the provider.

(7) Behavior analysis services shall not be provided continuously without appropriate considerations of Maintenance and generalization of behavior change in relevant settings or a designation of criteria for termination of the interventions or services shall be addressed by the provider whenever behavior analysis services are provided.

(8) The provider shall ensure that persons responsible for implementing, monitoring and providing behavior analysis services receive performance-based training that prepares them to properly implement the behavior analysis procedures involved, within the circumstances under which the services will be provided.

(9) The provider shall ensure that continuous measurement and documentation of behaviors targeted for change and of intermediate and ultimate outcomes of behavior analysis services occur during the entire period during which the services are in effect. Graphic displays of data on behaviors targeted for change shall be kept and up-dated by the provider at least weekly. Graphic displays of data will use time cycles appropriate for the frequency and topography of target behavior and allow for assessment of current effects as well as longitudinal analysis.

(10) The LRC ~~local review committee~~ shall approve the provider's behavior analysis services monitoring plan and specify the requirements for reporting of findings and data to the committee for behavior analysis services approved by the committee.

(a) Consistent with established Agency operating procedure, the behavior analysis services plan Monitoring shall include:

1. ~~Documentation of when and by whom monitoring was done.~~

2. ~~Examination and interpretation of data.~~

3. ~~Direct observations in the setting(s) where the plan is implemented, including the observation of the implementation of procedures or simulated implementation.~~

4. ~~Discussions with and observations of individuals who implement the behavior analysis procedures involved.~~

5. ~~Determination that the services are in accordance with Florida Statutes and the Agency rules.~~

1. Identifying and relevant demographic information for the individual affected by the plan.

2. The name, signature and certification or licensure information of the individual who developed, supervises or approves the implementation of the procedures described in the plan.

3. Objective statements of goals relative to behavior reduction and/or acquisition resulting in program termination.

4. Rationale for proposed interventions, consistent with assessment results.

5. Medical, social and historical information including previous treatment programs relevant to the current problems being addressed.

6. How behavioral services will be integrated with other relevant services.

7. Identification of behaviors targeted for reduction.

8. Identification of behaviors targeted for acquisition or as replacement.

9. Intervention procedures for behaviors targeted for reduction and acquisition.

10. Data collection methods for behaviors targeted for reduction and acquisition.

11. Description of performance-based training for persons implementing procedures.

12. Techniques for maintaining and generalizing behavioral improvements.

13. Plan for reduction and fading of behavioral services.

14. When applicable, rationale for, description of training, the routine or duties, monitoring and fading of ancillary support staff.

15. Methods and schedule of monitoring for programmatic fidelity.

16. Signatures of informed participants as may be required by law and individuals authorized to approve the procedures.

(b) Modifications to the behavior analysis service plan which includes procedures listed in Rule 65G-4.010, F.A.C., approved by the LRC committee shall be documented and submitted by the provider to the committee within one week after the changes are made. A summary of the effects of and modifications to behavior analysis services plan shall be developed written by the provider at least annually. This summary may be a graphical display of data collected over the year with appropriate annotation of program modifications.

Rulemaking Specific Authority 393.13(4) FS. Law Implemented 393.0651, 393.066, 393.067, 393.068, 393.13, 393.17 FS. History--New 9-23-96, Formerly 10F-4.030, 65B-4.030, Amended \_\_\_\_\_.

65G-4.010 Behavior Analysis Services Approval.

The local review committee must review:

(1) Behavior analysis services that include behavior analysis procedures that are designed to decrease the probability of the occurrence of a behavior by presenting,

attenuating or removing a stimulus following each occurrence of the behavior to be reduced, behavioral contingencies designed to increase the probability of a behavior by removing or attenuating a stimulus following each occurrence of the behavior to be increased, and the use of satiation and deprivation procedures, hereafter referred to as restricted procedures, and shall require the approval of one of the following practitioners prior to implementation:;

(a) A board certified behavior analyst as defined in subsection 65G-4.0011(5), F.A.C. who meets the education and experience requirements established in these rules for taking the behavior analyst certification examination.

(b) A person licensed pursuant to Chapter 490 or 491, F.S.

(2) Approval by a certified behavior analyst who meets the education and experience requirements specified in these rules for taking the behavior analyst certification examination or a person licensed pursuant to Chapter 490 or 491, F.S., shall also be required prior to implementation for behavior analysis services that are designed to address those actions of the individual which, without behavioral, physical, or chemical intervention can be expected to result in paragraphs (a) through (h) below will be provided or supervised by a Certified Behavior Analyst as defined in paragraph 65G-4.003(1)(b), F.A.C., or a person licensed pursuant to Chapter 490 or 491, F.S.:

(a) Have resulted in self-inflicted, detectable, external or internal damage requiring medical attention or are expected to increase in frequency, duration, or intensity resulting in self-inflicted, external or internal damage requiring medical attention.

(b) Have occurred or are expected to occur with sufficient frequency, duration or magnitude that a life-threatening situation might result, including excessive eating or drinking, vomiting, ruminating, eating non-nutritive substances, refusing to eat, holding one's breath, or swallowing excessive amounts of air.

(c) Have resulted in external or internal damage to other persons that requires medical attention or are expected to increase in frequency, duration or intensity resulting in external or internal damage to other persons that requires medical attention.

(d) Have resulted or are expected to result in major property damage or destruction.

(e) Have resulted or are expected to result in arrest and confinement by law enforcement personnel.

(f) Have resulted in the need for behavioral services in a Behavior Focused or Intensive Behavioral Residential Habilitation program.

(g) Have resulted in the need for additional staffing or Behavior Assistant Services.

(h) Have resulted in the repeated use of reactive strategies without a formal approved plan.

(3) Behavioral programs or manuals implemented as group contingencies or behavior change systems, including behavioral program manuals, level systems and token economies, require local review committee review and approval.

(4)(3) A written plan describing behavior analysis services approved for implementation pursuant to these rules shall be submitted sent to the local review committee within five working days following implementation. Behavior analysis service plans shall be consistent with the requirements of subsection 65G-4.009(10), F.A.C.

Rulemaking Specific Authority 393.13(4)(g)3, FS. Law Implemented 393.066, 393.067(14), 393.068, 393.13, 393.17 FS. History--New 9-23-96, Formerly 10F-4.031, 65B-4.030, Amended \_\_\_\_\_.

65G-4.012 Determination of Mental Retardation: Intelligence Tests to be Administered.

(1) For the purposes of Chapters 393 and 916, F.S., the Stanford-Binet Intelligence Scale or the Wechsler ~~Adult & Infant~~ Intelligence Scales, administered by or under the direct supervision of a psychologist or school psychologist licensed under Chapter 490, F.S., shall be used to determine mental retardation and the level of intellectual functioning.

(2) Notwithstanding subsection (1), if, given the condition of the individual to be tested, the Stanford-Binet Intelligence Scale or the Wechsler ~~Adult & Infant~~ Intelligence Scales are not valid and reliable as determined by the person authorized to administer such tests as specified in subsection (1), an alternative test or evaluation procedure, administered and interpreted in conformance with instructions provided by the producer of the tests or evaluation materials, may be used. The results of the testing or evaluation must include reference to published validity and reliability data for the specified test or evaluation procedure.

Rulemaking Specific Authority 393.063(38), 916.106, 393.501(1) FS. Law Implemented 393.063(38), 916.106 FS. History--New 6-13-06, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.:                      RULE TITLE:  
69A-2.024                      Construction Materials Mining Activities

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide additional notice of intended blasting activity to local government. In addition to the written notice required 20 days in advance of the initial blasting activity, written notice must be provided five days in advance of intended blasting activity following permit renewal.

SUBJECT AREA TO BE ADDRESSED: Notice to local government of intended blasting activity.

RULEMAKING AUTHORITY: 552.30, 552.38 FS.

LAW IMPLEMENTED: 552.30, 552.38 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: Tuesday, November 10, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Building 4075, Tallahassee, FL 32399

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: Casia Sinco, telephone: (850)413-3670. 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: Casia.Sinco@myfloridacfo.com, Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, telephone: (850)413-3670

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:                      RULE TITLES:  
69A-47.013                      Regional Access  
69A-47.014                      Compliance Dates

PURPOSE AND EFFECT: To conform the rules to statutory changes made in Chapter 2006-65, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The date by which regional emergency elevator access must be provided for new construction and existing buildings.

RULEMAKING AUTHORITY: 399.15 FS.

LAW IMPLEMENTED: 399.15 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: Monday, November 9, 2009, 9:30 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Lesley Mendelson, (850)413-3604. If you are

