

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: Arlene Elliott. 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: Arlene Elliott, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4152, email: Arlene.Elliott@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.251 ~~Florida Medicaid~~ Prescribed Drugs Reimbursement Methodology.

(1) This rule applies to all prescribed drug service providers enrolled in the Florida Medicaid program that provide services under the fee-for-service delivery system in accordance with Rule 59G-4.250, Florida Administrative Code.

(2) Definitions. Usual and customary charge - The average charge to all other customers in any quarter for the same drug, quantity, and strength.

(3) Reimbursement Methodology. Florida Medicaid reimburses Reimbursement for services prescribed drug claims is made in accordance with the provisions of Title 42, Code of Federal Regulations, sSections 447.512-.516. Reimbursement amounts for covered drugs dispensed by a licensed pharmacy, approved as a Medicaid provider, by an enrolled dispensing physician filling his own prescriptions, or by a medical professional administering injectable medications, shall not exceed the lesser lower of:

(a) ~~The estimated acquisition cost, defined as the lower of:~~

(a)1. ~~Average Wholesale Price (AWP) minus 16.4%, or The wWholesaler aAcquisition cCost (WAC) plus 1.5%, plus a dispensing fee of \$3.73;~~

(b)2. ~~The fFederal uUpper LLimit (FUL) established by the Centers for Medicare and Medicaid Services, plus a dispensing fee of \$3.73;~~

(c)3. ~~The sState mMaximum aAllowable cCost (SMAC), plus a dispensing fee of \$3.73;~~

(d)4. ~~The provider's uUsual and cCustomary (U&C) charge, including inclusive the of dispensing fee.~~

(e)5. ~~For drugs purchased by qualified entities under Section 340B of the Public Health Service Act:~~

The actual acquisition cost, plus a dispensing fee of \$7.50. This provision only applies to cCovered entities, and fFederally qQualified hHealth cCenters or their contracted

agents; that dispense or administer fill Medicaid patient prescriptions with drugs purchased at prices authorized under sSection 340B of the Public Health Service Act—must bill Medicaid for reimbursement at the actual acquisition cost plus a dispensing fee of \$7.50 for these drugs.

Rulemaking Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912(39)(a) FS. History—New 1-28-09, Amended 8-23-09, 5-20-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Arlene Elliott

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 28, 2015

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.220	Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2014, and June 30, 2015, to the federal hazardous waste regulations. The Florida Department of Environmental Protection (DEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result, at least once a year DEP incorporates federal rule changes into Chapter 62-730, F.A.C., the state hazardous waste rule, in order to maintain consistency with federal regulations.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.704, 403.72, 403.721, 403.722, 403.724, 403.8055 FS.

LAW IMPLEMENTED: 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Department of

Environmental Protection, 2600 Blair Stone Road, Mail Station 4560, Tallahassee, Florida 32399-2400 or julie.c.rainey@dep.state.fl.us

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06405> 2008, the amendment to the definition of “New hazardous waste management facility or new facility” in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>, the amendment adding definitions for “no free liquids,” “solvent contaminated wipe,” and “wipe” in the Federal Register dated July 31, 2013 (78 FR 46448) <http://www.flrules.org/Gateway/reference.asp?No=Ref-03223>, the amendment adding the definition of “carbon dioxide stream” in the Federal Register dated January 3, 2014 (79 FR 350) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04892>, the amendment revising the definition of “manifest” and adding the definitions of “electronic manifest,” “Electronic Manifest System (or e Manifest System),” and “user of the electronic manifest system,” in the Federal Register dated February 7, 2014 (79 FR 7518) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04893>, and the amendment adding the definition of “CRT exporter” in the Federal Register dated June 26, 2014 (79 FR 36220) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04894>, except for the optional addition of “or 267.101” to subsection (2) of the definition of “facility” in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) No change

(3)(a) No change

(b) Unless specifically indicated otherwise, when used in any provisions as may be adopted in this chapter from 40 CFR Parts 124 and 260 through 273: “United States” shall mean the State of Florida; “U.S. Environmental Protection Agency” or “EPA” shall mean DEP; and “Administrator” or “Regional Administrator” or “State Director” shall mean Secretary (including the Secretary’s designee, where appropriate).

1. Substitutions as described in paragraph (3)(b) of this section shall not be made in 40 CFR: 124.6(e); 124.10(c)(1)(ii); 260.10; 260.11(a); 261.10; 261.11; Part 261, Appendix IX; Part 262, Subparts E, ~~and F,~~ and H; 263.20(g)(4); 264.12(a)(1); 264.12(a)(2); 264.71(a)(3); 264.71(d); 264.1082(c)(4)(ii); 265.12(a)(1); 265.12(a)(2); 265.71(a)(3); 265.71(d) 265.1083(c)(4)(ii); 268.1(e)(3); 268.2(j); 268.13; 268.40(b); 270.2; 270.10(e)(2) and (3); 270.10(f)(2) and (3); 270.10(g)(1); 270.11(a)(3); 270.32(b)(2); 270.72(a)(5) and (b)(5); and 273.32(a)(3).

2. through 3. No change

(c) through (e) No change

(4) through (6) No change

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13, 11-27-13, 6-17-15, _____.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06406> 2008 (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02191>~~): for publications incorporated by reference, 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); for general requirements which apply to rulemaking petitions, 260.20; for petitions for equivalent testing or analytical methods, 260.21; for petitions to exclude a waste at a particular facility, 260.22; for petitions to include additional hazardous wastes, 260.23; for variances from classification as a solid waste, 260.30; for standards and criteria for variances from classification as a solid waste, 260.31; for variances to be classified as a boiler, 260.32; for procedures for variances from classification as a solid waste or to be classified as a boiler, 260.33; for additional regulation of certain hazardous waste recycling activities on a case-by-case basis, 260.40 and for procedures for case-by-case regulation of hazardous waste recycling activities, 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect. ~~The Department adopts by reference the March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590> Federal Register which deletes Appendix I of Part 260.~~

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-

4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13,_____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06407> 2008, and all appendices, the amendments to 40 CFR Part 261 as published in the Federal Register dated December 1, 2008 (73 FR 72912), the corrections as published in the Federal Register dated March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590>, the partial withdrawal of the corrections published in the Federal Register dated June 4, 2010 (75 FR 31716) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00591>, the amendments to 261.4(a)(16) and 261.38 as published in the Federal Register dated June 15, 2010 (75 FR 33712) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00592>, the amendments to 261.33 and 261 Appendix VIII as published in the Federal Register dated December 17, 2010 (75 FR 78918) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01165>, the correction to 261.32(a) as published in the Federal Register dated April 13, 2012 (77 FR 22229) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02190>), the conditional exclusions for solvent contaminated wipes in 261.4(a)(26) and 261.4(b)(18) as published in the Federal Register dated July 31, 2013 (78 FR 46448) <http://www.flrules.org/Gateway/reference.asp?No=Ref-03223>, the conditional exclusion for carbon dioxide streams in geologic sequestration activities in 261.4(h) as published in the Federal Register dated January 3, 2014 (79 FR 350) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04892>, revisions to the export provisions of the cathode ray tube rule in 261.39(a) and 261.41(a) and (b) published in the Federal Register dated June 26, 2014 (79 FR 36220) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04894>, and the correction to the definition of hazardous waste in 261.3(a)(2)(v) as published in the Federal Register dated June 20, 2014 (79 FR 35290) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04895>, with the exceptions described in paragraphs (1)(a) through (c) of this section. 40 CFR Part 261 [as adopted in this subsection] contains EPA's rules on the identification and listing of hazardous waste. No delisting published by EPA in 40 CFR Part 261 is effective in Florida until it is adopted by the Department.

(a) through (b) No change

(c) The optional addition of "267" to 40 CFR 261.7(a)(1) in the Federal Register dated September 8, 2005 (70 FR

53419); ~~and~~ the optional amendments to 40 CFR 261.3(a)(2)(iv)(A), (B), (D), (F) and (G) in the Federal Register dated October 4, 2005 (70 FR 57769); ~~and the optional addition of "267" to 40 CFR 261.5(b), 261.5(e)intro, 261.5(f)(2), 261.5(g)(2), 261.6(a)(3), 261.6(c)(1), 261.6(d), 261.7(a)(1), 261.7(a)(2), and 261.30(c) in the Federal Register dated March 18, 2010 (75 FR 12989)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

For the optional amendments in paragraph (1)(c) of this section, the language in effect on the date of the referenced Federal Registers remains in effect.

(2) through (4) No change

Rulemaking Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, 6-29-12, 4-23-13, 11-27-13, 6-17-15,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2014 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04896>, including the Appendix, with the exception of 40 CFR 262.34(e), ~~and~~ the Project XL site-specific regulations in 262.10(j) and Subparts I and J, and the optional addition of "267" to 262.10(f), 262.10(j)(1), 262.10(k), 262.11(d), 262.34(b), 262.34(f), 262.34(i), and 262.41(b) in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

(2) through (6) No change

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, 6-29-12, 4-23-13, 6-17-15,_____.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2014 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04897>, with the exception of the optional addition of "267" to 263.12 in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

(2) through (3) No change

Rulemaking Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13, 6-17-15,_____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2012 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02189>, with the exception of the optional addition of “267” to 266.22, 266.70(d), 266.80(b), 266.101(c)(1), and 266.101(c)(2) in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

(2) No change

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13,_____.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of July 1, ~~2015~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-06408> ~~2008~~: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2, except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4, ~~including the corrections in the Federal Register dated March 18, 2010 (75 FR 12989)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>; 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28; 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 270.51(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(2)(a) through (b) No Change

(3) through (11) No change

Rulemaking Authority 403.061, 403.087, 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-

84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13,_____.

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NOS.: RULE TITLES:

65A-1.704 Family-Related Medicaid Eligibility Determination Process

65A-1.707 Family-Related Medicaid Income and Resource Criteria

65A-1.708 Family-Related Medicaid Budgeting Criteria

PURPOSE AND EFFECT: To revise the Family-Related Medicaid eligibility policies and procedure used to implement the Florida Family-Related Medicaid Program so that the requirements of the Affordable Care Act that govern the Florida Family-Related Medicaid coverage groups are met.

SUMMARY: The proposed rules amend the Family-Related Medicaid Program eligibility policies and procedures used in the eligibility determination process for the Family-Related Medicaid Program.

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:

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: [409.919](#) FS.

LAW IMPLEMENTED: [409.902](#), [409.903](#), [409.904](#), [409.919](#) 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: April 4, 2016, 1:00 p.m. – 3:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to