

May 3, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.008

RULE TITLE: Grievances of Medical Nature

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow a clinical designee as well as the Chief Health Officer to investigate, respond to and initial grievance responses that relate to grievances of a medical nature.

SUMMARY: The proposed rule allows a clinical designee to investigate, review and respond to grievances of a medical nature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. 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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), FS. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 944.09 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED

RULE IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.008 Grievances of Medical Nature.

(1)(a) If a formal grievance of a medical nature is filed at the institutional level, it shall be forwarded to the institution's ~~C~~ehief ~~H~~health ~~O~~fficer ~~or~~ clinical designee for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the warden or assistant warden or deputy warden to ensure appropriate filing and routing. The review and initialing of the grievance response shall be made by the Chief Health Officer or clinical designee. A clinical designee is a physician licensed and credentialed by the Department or an approved health care contractor who is designated by the Chief Health Officer to investigate, review and respond to grievances of a medical nature. If the chief health officer is not the responding employee, the chief health officer shall review and initial the response prior to returning the grievance. Other procedures applicable to the processing of a formal grievance of a medical nature are as stated in Rule 33-103.006, F.A.C.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05, 3-25-08, 5-27-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan McManus, Chief of the Bureau of Policy Management and Inmate Appeals

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 4-18-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 4-18-13