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LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 9 - 23

and insert:

Section 1. Paragraph (b) of subsection (2) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(b)1. The employer shall provide appropriate professional



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or nonprofessional attendant care performed only at the direction and control of a physician when such care is medically necessary. The physician shall prescribe such care in writing. The employer or carrier shall not be responsible for such care until the prescription for attendant care is received by the employer and carrier, which shall specify the time periods for such care, the level of care required, and the type of assistance required. A prescription for attendant care shall not prescribe such care retroactively. The value of nonprofessional attendant care provided by a family member must be determined as follows:

a.1. If the family member is not employed or if the family member is employed and is providing attendant care services during hours that he or she is not engaged in employment, the per-hour value equals the federal minimum hourly wage.

b.2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's former employment, not to exceed the per-hour value of such care available in the community at large. A family member or a combination of family members providing nonprofessional attendant care under this paragraph may not be compensated for more than a total of 12 hours per day.

c.3. If the family member remains employed while providing attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's employment, not to exceed the per-hour value of such care available in the community at large.

2. The employer or carrier may use a nurse registry



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pursuant to s. 400.506 for the placement of authorized
compensable attendant care services.

Failure of the carrier to timely comply with this subsection
shall be a violation of this chapter and the carrier shall be
subject to penalties as provided for in s. 440.525.

Section 2. For the purpose of incorporating the amendment
made by this act to section 440.13(2)(b), Florida Statutes, in a
reference thereto, subsection (16) of section 440.134, Florida
Statutes, is reenacted to read:

440.134 Workers' compensation managed care arrangement.—

(16) When a carrier enters into a managed care arrangement
pursuant to this section the employees who are covered by the
provisions of such arrangement shall be deemed to have received
all the benefits to which they are entitled pursuant to s.
440.13(2)(a) and (b). In addition, the employer shall be deemed
to have complied completely with the requirements of such
provisions. The provisions governing managed care arrangements
shall govern exclusively unless specifically stated otherwise in
this section.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 3 - 5

and insert:

440.13, F.S.; authorizing the use of licensed nurse
registries for the placement of attendant care
provided for workers' compensation purposes;
reenacting s. 440.134(16), F.S., relating to workers'



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69 compensation managed care arrangements, to incorporate
70 the amendment made to s. 440.13, F.S., in a reference
71 thereto; providing an effective date.