

ENROLLED

CS/HB 437

2020 Legislature

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2 An act relating to nurse registries; amending s.  
3 440.13, F.S.; authorizing the use of licensed nurse  
4 registries for the placement of attendant care  
5 provided for workers' compensation purposes; providing  
6 an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraph (b) of subsection (2) of section  
11 440.13, Florida Statutes, is amended to read:

12 440.13 Medical services and supplies; penalty for  
13 violations; limitations.—

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

15 (b)1. The employer shall provide appropriate professional  
16 or nonprofessional attendant care performed only at the  
17 direction and control of a physician when such care is medically  
18 necessary. The physician shall prescribe such care in writing.  
19 The employer or carrier shall not be responsible for such care  
20 until the prescription for attendant care is received by the  
21 employer and carrier, which shall specify the time periods for  
22 such care, the level of care required, and the type of  
23 assistance required. A prescription for attendant care shall not  
24 prescribe such care retroactively. The value of nonprofessional  
25 attendant care provided by a family member must be determined as

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26 follows:

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

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

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

44 2. The employer or carrier may use a nurse registry  
45 licensed pursuant to s. 400.506 for the placement of authorized  
46 compensable attendant care services.

47  
48 Failure of the carrier to timely comply with this subsection  
49 shall be a violation of this chapter and the carrier shall be  
50 subject to penalties as provided for in s. 440.525.

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51 |           Section 2.   This act shall take effect July 1, 2020.           |