

By the Committee on Banking and Insurance; and Senator Baxley

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1 A bill to be entitled
2 An act relating to the nurse registry; 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;
6 reenacting s. 440.134(16), F.S., relating to workers'
7 compensation managed care arrangements, to incorporate
8 the amendment made to s. 440.13, F.S., in a reference
9 thereto; providing an effective date.

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

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13 Section 1. Paragraph (b) of subsection (2) of section
14 440.13, Florida Statutes, is amended to read:

15 440.13 Medical services and supplies; penalty for
16 violations; limitations.—

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

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

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

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

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

47 2. The employer or carrier may use a nurse registry
48 pursuant to s. 400.506 for the placement of authorized
49 compensable attendant care services.

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

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

58 440.134 Workers' compensation managed care arrangement.—

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59 (16) When a carrier enters into a managed care arrangement
60 pursuant to this section the employees who are covered by the
61 provisions of such arrangement shall be deemed to have received
62 all the benefits to which they are entitled pursuant to s.
63 440.13(2) (a) and (b). In addition, the employer shall be deemed
64 to have complied completely with the requirements of such
65 provisions. The provisions governing managed care arrangements
66 shall govern exclusively unless specifically stated otherwise in
67 this section.

68 Section 3. This act shall take effect July 1, 2020.