

By Representative Futch

1                                   A bill to be entitled  
 2           An act relating to workers' compensation;  
 3           amending s. 440.13, F.S.; including licensed  
 4           psychologists under the terms physician or  
 5           doctor; deleting an exclusion of certain  
 6           chiropractic services from medically necessary  
 7           treatment, care, and services under certain  
 8           circumstances; amending s. 440.134, F.S.;  
 9           including chiropractic physicians under the  
 10          term "medical care coordinator" for certain  
 11          purposes; providing for access to chiropractic  
 12          physicians; amending s. 440.15, F.S.; including  
 13          licensed psychologists under an authorization  
 14          to determine permanent impairment; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Paragraph (r) of subsection (1) and  
 20          paragraph (a) of subsection (2) of section 440.13, Florida  
 21          Statutes, 1998 Supplement, are amended to read:

22           440.13 Medical services and supplies; penalty for  
 23          violations; limitations.--

24           (1) DEFINITIONS.--As used in this section, the term:

25           (r) "Physician" or "doctor" means a physician licensed  
 26          under chapter 458, an osteopathic physician licensed under  
 27          chapter 459, a chiropractic physician licensed under chapter  
 28          460, a podiatric physician licensed under chapter 461, an  
 29          optometrist licensed under chapter 463, ~~or~~ a dentist licensed  
 30          under chapter 466, or a psychologist licensed under chapter  
 31

1 490, each of whom must be certified by the division as a  
2 health care provider.  
3 (2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.--  
4 (a) Subject to the limitations specified elsewhere in  
5 this chapter, the employer shall furnish to the employee such  
6 medically necessary remedial treatment, care, and attendance  
7 for such period as the nature of the injury or the process of  
8 recovery may require, including medicines, medical supplies,  
9 durable medical equipment, orthoses, prostheses, and other  
10 medically necessary apparatus. Remedial treatment, care, and  
11 attendance, including work-hardening programs or  
12 pain-management programs accredited by the Commission on  
13 Accreditation of Rehabilitation Facilities or Joint Commission  
14 on the Accreditation of Health Organizations or  
15 pain-management programs affiliated with medical schools,  
16 shall be considered as covered treatment only when such care  
17 is given based on a referral by a physician as defined in this  
18 chapter. Each facility shall maintain outcome data, including  
19 work status at discharges, total program charges, total number  
20 of visits, and length of stay. The department shall utilize  
21 such data and report to the President of the Senate and the  
22 Speaker of the House of Representatives regarding the efficacy  
23 and cost-effectiveness of such program, no later than October  
24 1, 1994. ~~Medically necessary treatment, care, and attendance~~  
25 ~~does not include chiropractic services in excess of 18~~  
26 ~~treatments or rendered 8 weeks beyond the date of the initial~~  
27 ~~chiropractic treatment, whichever comes first, unless the~~  
28 ~~carrier authorizes additional treatment or the employee is~~  
29 ~~catastrophically injured.~~  
30  
31

1           Section 2. Paragraph (i) of subsection (1) of section  
2 440.134, Florida Statutes, 1998 Supplement, is amended to  
3 read:

4           440.134 Workers' compensation managed care  
5 arrangement.--

6           (1) As used in this section, the term:

7           (i) "Medical care coordinator" means a primary care  
8 provider within a provider network who is responsible for  
9 managing the medical care of an injured worker including  
10 determining other health care providers and health care  
11 facilities to which the injured employee will be referred for  
12 evaluation or treatment. A medical care coordinator shall be a  
13 physician licensed under chapter 458 or an osteopathic  
14 physician licensed under chapter 459, or a chiropractic  
15 physician licensed under chapter 460. An injured worker shall  
16 have direct access to any chiropractic physician on the  
17 managed care panel for the first 18 visits of chiropractic  
18 services, after which a chiropractic medical care coordinator  
19 shall determine whether the patient needs additional  
20 chiropractic services.

21           Section 3. Paragraph (a) of subsection (3) of section  
22 440.15, Florida Statutes, 1998 Supplement, is amended to read:

23           440.15 Compensation for disability.--Compensation for  
24 disability shall be paid to the employee, subject to the  
25 limits provided in s. 440.12(2), as follows:

26           (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

27           (a) Impairment benefits.--

28           1. Once the employee has reached the date of maximum  
29 medical improvement, impairment benefits are due and payable  
30 within 20 days after the carrier has knowledge of the  
31 impairment.

1           2. The three-member panel, in cooperation with the  
2 division, shall establish and use a uniform permanent  
3 impairment rating schedule. This schedule must be based on  
4 medically or scientifically demonstrable findings as well as  
5 the systems and criteria set forth in the American Medical  
6 Association's Guides to the Evaluation of Permanent  
7 Impairment; the Snellen Charts, published by American Medical  
8 Association Committee for Eye Injuries; and the Minnesota  
9 Department of Labor and Industry Disability Schedules. The  
10 schedule should be based upon objective findings. The schedule  
11 shall be more comprehensive than the AMA Guides to the  
12 Evaluation of Permanent Impairment and shall expand the areas  
13 already addressed and address additional areas not currently  
14 contained in the guides. On August 1, 1979, and pending the  
15 adoption, by rule, of a permanent schedule, Guides to the  
16 Evaluation of Permanent Impairment, copyright 1977, 1971,  
17 1988, by the American Medical Association, shall be the  
18 temporary schedule and shall be used for the purposes hereof.  
19 For injuries after July 1, 1990, pending the adoption by  
20 division rule of a uniform disability rating schedule, the  
21 Minnesota Department of Labor and Industry Disability Schedule  
22 shall be used unless that schedule does not address an injury.  
23 In such case, the Guides to the Evaluation of Permanent  
24 Impairment by the American Medical Association shall be used.  
25 Determination of permanent impairment under this schedule must  
26 be made by a physician licensed under chapter 458, a doctor of  
27 osteopathic medicine licensed under chapters 458 and 459, a  
28 chiropractic physician licensed under chapter 460, a podiatric  
29 physician licensed under chapter 461, an optometrist licensed  
30 under chapter 463, ~~or~~ a dentist licensed under chapter 466, or  
31 a psychologist licensed under chapter 490, as appropriate

1 considering the nature of the injury. No other persons are  
2 authorized to render opinions regarding the existence of or  
3 the extent of permanent impairment.

4           3. All impairment income benefits shall be based on an  
5 impairment rating using the impairment schedule referred to in  
6 subparagraph 2. Impairment income benefits are paid weekly at  
7 the rate of 50 percent of the employee's average weekly  
8 temporary total disability benefit not to exceed the maximum  
9 weekly benefit under s. 440.12. An employee's entitlement to  
10 impairment income benefits begins the day after the employee  
11 reaches maximum medical improvement or the expiration of  
12 temporary benefits, whichever occurs earlier, and continues  
13 until the earlier of:

14           a. The expiration of a period computed at the rate of  
15 3 weeks for each percentage point of impairment; or

16           b. The death of the employee.

17           4. After the employee has been certified by a doctor  
18 as having reached maximum medical improvement or 6 weeks  
19 before the expiration of temporary benefits, whichever occurs  
20 earlier, the certifying doctor shall evaluate the condition of  
21 the employee and assign an impairment rating, using the  
22 impairment schedule referred to in subparagraph 2.

23 Compensation is not payable for the mental, psychological, or  
24 emotional injury arising out of depression from being out of  
25 work. If the certification and evaluation are performed by a  
26 doctor other than the employee's treating doctor, the  
27 certification and evaluation must be submitted to the treating  
28 doctor, and the treating doctor must indicate agreement or  
29 disagreement with the certification and evaluation. The  
30 certifying doctor shall issue a written report to the  
31 division, the employee, and the carrier certifying that

1 maximum medical improvement has been reached, stating the  
2 impairment rating, and providing any other information  
3 required by the division. If the employee has not been  
4 certified as having reached maximum medical improvement before  
5 the expiration of 102 weeks after the date temporary total  
6 disability benefits begin to accrue, the carrier shall notify  
7 the treating doctor of the requirements of this section.

8 5. The carrier shall pay the employee impairment  
9 income benefits for a period based on the impairment rating.

10 6. The division may by rule specify forms and  
11 procedures governing the method of payment of wage loss and  
12 impairment benefits for dates of accidents before January 1,  
13 1994, and for dates of accidents on or after January 1, 1994.

14 Section 4. This act shall take effect October 1, 1999.

15 \*\*\*\*\*  
16 \*\*\*\*\*

17 HOUSE SUMMARY

18 Provides for access to chiropractic physician services  
19 under workers' compensation managed care arrangements.  
20 Includes licensed psychologists as physicians or doctors  
21 for purposes of workers' compensation and among those  
22 authorized to determine permanent impairment.  
23  
24  
25  
26  
27  
28  
29  
30  
31