

By Representative Futch

1 A bill to be entitled
2 An act relating to workers' compensation
3 medical care; amending s. 440.13, F.S.;
4 requiring direct access to certain chiropractic
5 physicians; providing for additional
6 chiropractic services under certain
7 circumstances; deleting an exclusion of certain
8 chiropractic services from medically necessary
9 treatment, care, and services; amending s.
10 440.134, F.S.; including chiropractic
11 physicians within medical care coordinator
12 provisions; requiring direct access to certain
13 chiropractic physicians under managed care
14 arrangements; providing for additional
15 chiropractic services under certain
16 circumstances; providing an effective date.

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

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20 Section 1. Paragraph (a) of subsection (2) of section
21 440.13, Florida Statutes, is amended to read:

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

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

25 (a) Subject to the limitations specified elsewhere in
26 this chapter, the employer shall furnish to the employee such
27 medically necessary remedial treatment, care, and attendance
28 for such period as the nature of the injury or the process of
29 recovery may require, including medicines, medical supplies,
30 durable medical equipment, orthoses, prostheses, and other
31 medically necessary apparatus. Remedial treatment, care, and

1 attendance, including work-hardening programs or
2 pain-management programs accredited by the Commission on
3 Accreditation of Rehabilitation Facilities or Joint Commission
4 on the Accreditation of Health Organizations or
5 pain-management programs affiliated with medical schools,
6 shall be considered as covered treatment only when such care
7 is given based on a referral by a physician as defined in this
8 chapter. Each facility shall maintain outcome data, including
9 work status at discharges, total program charges, total number
10 of visits, and length of stay. The department shall utilize
11 such data and report to the President of the Senate and the
12 Speaker of the House of Representatives regarding the efficacy
13 and cost-effectiveness of such program, no later than October
14 1, 1994. An injured worker shall have direct access to any
15 chiropractic physician, who is a certified health care
16 provider, for the first 18 visits of chiropractic services,
17 after which the certified health care provider shall determine
18 whether the injured worker needs additional chiropractic
19 services. ~~Medically necessary treatment, care, and attendance~~
20 ~~does not include chiropractic services in excess of 18~~
21 ~~treatments or rendered 8 weeks beyond the date of the initial~~
22 ~~chiropractic treatment, whichever comes first, unless the~~
23 ~~carrier authorizes additional treatment or the employee is~~
24 ~~catastrophically injured.~~

25 Section 2. Paragraph (i) of subsection (1) and
26 paragraph (b) of subsection (2) of section 440.134, Florida
27 Statutes, are amended, subsections (7), (8), (9), (10), and
28 (11) of said section are renumbered as paragraphs (d), (e),
29 (f), (g), and (h), respectively, of subsection (6) of said
30 section, subsections (12)-(25) of said section are renumbered
31 as subsections (7)-(20), respectively, and renumbered

1 paragraph (g) of subsection (6) of said section is amended, to
2 read:

3 440.134 Workers' compensation managed care
4 arrangement.--

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

6 (i) "Medical care coordinator" means a primary care
7 provider within a provider network who is responsible for
8 managing the medical care of an injured worker including
9 determining other health care providers and health care
10 facilities to which the injured employee will be referred for
11 evaluation or treatment. A medical care coordinator shall be a
12 physician licensed under chapter 458, or an osteopathic
13 physician licensed under chapter 459, or a chiropractic
14 physician licensed under chapter 460.

15 (2)

16 (b) Effective January 1, 1997, the employer shall,
17 subject to the limitations specified elsewhere in this
18 chapter, furnish to the employee solely through managed care
19 arrangements such medically necessary remedial treatment,
20 care, and attendance for such period as the nature of the
21 injury or the process of recovery requires. An injured worker
22 shall have direct access to any chiropractic physician on the
23 managed care panel for the first 18 visits of chiropractic
24 services, after which a chiropractic medical care coordinator
25 shall determine whether the injured worker needs additional
26 chiropractic services.

27 (6) The proposed managed care plan of operation must
28 include:

29 (g)~~(10)~~ Written procedures and methods for the
30 management of an injured worker's medical care by a medical
31 care coordinator including:

1 1.(a) The mechanism for assuring that covered
2 employees receive all initial covered services from a primary
3 care provider participating in the provider network, except
4 for emergency care.

5 2.(b) The mechanism for assuring that all continuing
6 covered services be received from the same primary care
7 provider participating in the provider network that provided
8 the initial covered services, except when services from
9 another provider are authorized by the medical care
10 coordinator pursuant to paragraph (d).

11 3.(c) The policies and procedures for allowing an
12 employee one change to another provider within the same
13 specialty and provider network as the authorized treating
14 physician during the course of treatment for a work-related
15 injury, if a request is made to the medical care coordinator
16 by the employee; and requiring that special provision be made
17 for more than one such referral through the arrangement's
18 grievance procedures.

19 4.(d) The process for assuring that all referrals
20 authorized by a medical care coordinator are made to the
21 participating network providers, unless medically necessary
22 treatment, care, and attendance are not available and
23 accessible to the injured worker in the provider network.

24 Section 3. This act shall take effect upon becoming a
25 law.

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HOUSE SUMMARY

Requires that an injured worker have direct access to chiropractic physicians and provides for additional chiropractic services. Includes chiropractic physicians within the definition of medical care coordinator and requires that an injured worker have direct access to chiropractic physicians under managed care arrangements.