

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Seiler offered the following:

Amendment (with directory and title amendments)

Remove line(s) 4767-4824, and insert:

440.491 Reemployment of injured workers; rehabilitation.--

(6) TRAINING AND EDUCATION.--

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the department shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. The department may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule, that the reemployment plan is likely to result in return to suitable gainful employment. The

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28 department is authorized to expend moneys from the Workers'
29 Compensation Administration Trust Fund, established by s.
30 440.50, to secure appropriate training and education at a
31 community college established under part III of chapter 240 or
32 at a vocational-technical school established under s. 230.63, or
33 to secure other vocational services when necessary to satisfy
34 the recommendation of a vocational evaluator. "Appropriate
35 training and education" shall include securing a general
36 education diploma (GED), if necessary. The department shall
37 establish training and education standards pertaining to
38 employee eligibility, course curricula and duration, and
39 associated costs.

40 (b) ~~When it appears that~~ an employee who has attained
41 maximum medical improvement is unable to earn at least 80
42 percent of the compensation rate and requires training and
43 education to obtain suitable gainful employment, as promulgated
44 by department rule, the employer or carrier shall pay the
45 employee additional training and education temporary total
46 compensation benefits while the employee receives such training
47 and education for a period not to exceed 104 weeks. The benefits
48 provided in this section shall be in addition to the 104 weeks
49 as specified in s. 440.15(2). Eligibility for benefits provided
50 in this section shall terminate on the expiration of 260 weeks
51 after the date of injury 26 weeks, which period may be extended
52 for an additional 26 weeks or less, if such extended period is
53 determined to be necessary and proper by a judge of compensation
54 claims. However, a carrier or employer is not precluded from
55 voluntarily paying additional temporary total disability
56 compensation beyond that period. If an employee requires

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57 temporary residence at or near a facility or an institution
58 providing training and education which is located more than 50
59 miles away from the employee's customary residence, the
60 reasonable cost of board, lodging, or travel must be borne by
61 the department from the Workers' Compensation Administration
62 Trust Fund established by s. 440.50. An employee who refuses to
63 accept training and education that is recommended by the
64 vocational evaluator and considered necessary by the department
65 will forfeit any additional training and education benefits and
66 any additional payment for lost wages under this chapter. The
67 department shall promulgate rules to implement this section,
68 which shall include requirements placed upon the carrier to
69 notify the injured employee of the availability of training and
70 education benefits as specified in this chapter. The department
71 shall also include information regarding the eligibility for
72 training and education benefits in informational materials
73 specified in ss. 440.207 and 440.40 ~~is subject to a 50-percent~~
74 ~~reduction in weekly compensation benefits, including wage loss~~
75 ~~benefits, as determined under s. 440.15(3)(b).~~

76 (7) PROVIDER QUALIFICATIONS.--

77 (a) The department shall investigate and maintain a
78 directory of each qualified public and private rehabilitation
79 provider, facility, and agency, and shall establish by rule the
80 minimum qualifications, credentials, and requirements that each
81 rehabilitation service provider, facility, and agency must
82 satisfy to be eligible for listing in the directory. These
83 minimum qualifications and credentials must be based on those
84 generally accepted within the service specialty for which the
85 provider, facility, or agency is approved.

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86 (b) The department shall impose a biennial application fee
87 of \$25 for each listing in the directory, and all such fees must
88 be deposited in the Workers' Compensation Administration Trust
89 Fund.

90 (c) The department shall monitor and evaluate each
91 rehabilitation service provider, facility, and agency qualified
92 under this subsection to ensure its compliance with the minimum
93 qualifications and credentials established by the department.
94 The failure of a qualified rehabilitation service provider,
95 facility, or agency to provide the department with information
96 requested or access necessary for the department to satisfy its
97 responsibilities under this subsection is grounds for
98 disqualifying the provider, facility, or agency from further
99 referrals.

100 (d) A qualified rehabilitation service provider, facility,
101 or agency may not be authorized by an employer, a carrier, or
102 the department to provide any services, including expert
103 testimony, under this section in this state unless the provider,
104 facility, or agency is listed or has been approved for listing
105 in the directory. This restriction does not apply to services
106 provided outside this state under this section.

107 (e) The department, after consultation with
108 representatives of employees, employers, carriers,
109 rehabilitation providers, and qualified training and education
110 providers, shall, no later than 6 months after the effective
111 date of this act, adopt rules governing professional practices
112 and standards.

113 (f) No later than October 1, 2004, and on a biannual basis
114 thereafter, the department shall publish a comprehensive outcome

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115 report on the effectiveness and efficacy of reemployment of
 116 injured employees. The report shall include a detailed analysis
 117 of data on those cases receiving permanent total disability
 118 benefits in relationship to those receiving benefits under s.
 119 440.491. Copies of this report shall be provided to the
 120 Governor, the President of the Senate, the Speaker of the House
 121 of Representatives, the Democratic and Republican Leaders of the
 122 Senate and the House of Representatives and the chairs of the
 123 legislative committees having jurisdiction over workers'
 124 compensation.

125 (8) CARRIER PRACTICES.--The department shall promulgate
 126 rules to audit and enforce the carriers' responsibilities under
 127 this section and shall monitor the selection of rehabilitation
 128 providers and the provision of reemployment services by carriers
 129 under this section for consistency with legislative intent set
 130 forth in subsection (2).

131 (9) The department shall have exclusive jurisdiction over
 132 any dispute involving a claim made against it or the Workers'
 133 Compensation Administration Trust Fund for reemployment
 134 services, vocational evaluations, training and education, and
 135 rehabilitation.

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 137 ===== D I R E C T O R Y A M E N D M E N T =====

138 Remove line(s) 4765 & 4766, and insert:
 139 Section 31. Subsections (6), (7), and (8) of section
 140 440.491, Florida Statutes, are amended, subsection (9) is
 141 renumbered as subsection (10), and a new subsection (9) is added
 142 to said section, to read:
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145 ===== T I T L E A M E N D M E N T =====

146 Between line(s) 83 & 84, insert:

147 requiring a biannual report; providing that the Department of
148 Insurance has jurisdiction over certain disputes;