

1 A bill to be entitled
 2 An act relating to maximum reimbursement allowances
 3 for workers' compensation medical services; amending
 4 s. 440.13, F.S.; revising the process for establishing
 5 schedules of maximum reimbursement allowances;
 6 providing that the adoption of schedules of maximum
 7 reimbursement allowances is subject to administrative
 8 proceedings and judicial review; providing an
 9 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 (a) of subsection (12) of section
 14 440.13, Florida Statutes, is amended to read:

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

17 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
 18 REIMBURSEMENT ALLOWANCES.—

19 (a) A three-member panel is created, consisting of the
 20 Chief Financial Officer, or the Chief Financial Officer's
 21 designee, and two members to be appointed by the Governor,
 22 subject to confirmation by the Senate, one member who, on
 23 account of present or previous vocation, employment, or
 24 affiliation, shall be classified as a representative of
 25 employers, the other member who, on account of previous
 26 vocation, employment, or affiliation, shall be classified as a

27 representative of employees. The panel shall determine statewide
28 schedules of maximum reimbursement allowances for medically
29 necessary treatment, care, and attendance provided by
30 physicians, hospitals, ambulatory surgical centers, work-
31 hardening programs, pain programs, and durable medical
32 equipment. The maximum reimbursement allowances for inpatient
33 hospital care shall be based on a schedule of per diem rates, to
34 be approved by the three-member panel no later than March 1,
35 1994, to be used in conjunction with a precertification manual
36 as determined by the department, including maximum hours in
37 which an outpatient may remain in observation status, which
38 shall not exceed 23 hours. All compensable charges for hospital
39 outpatient care shall be reimbursed at 75 percent of usual and
40 customary charges, except as otherwise provided by this
41 subsection. Annually, the three-member panel shall review and
42 revise, as necessary, ~~adopt~~ schedules of maximum reimbursement
43 allowances for physicians, hospital inpatient care, hospital
44 outpatient care, ambulatory surgical centers, work-hardening
45 programs, and pain programs. An individual physician, hospital,
46 ambulatory surgical center, pain program, or work-hardening
47 program shall be reimbursed either the agreed-upon contract
48 price or the maximum reimbursement allowance in the appropriate
49 schedule. Subject to the requirements of ss. 120.569 and 120.57,
50 the schedules of maximum reimbursement allowances as determined
51 by the three-member panel shall be adopted by order of the
52 department. Such order is subject to judicial review under s.

53 | 120.68. The department, as requested, shall provide data to the
54 | panel, including, but not limited to, utilization trends in the
55 | workers' compensation health care delivery system. The
56 | department shall provide the panel with an annual report
57 | regarding the resolution of medical reimbursement disputes and
58 | any actions pursuant to subsection (8). The department shall
59 | provide administrative support and service to the panel to the
60 | extent requested by the panel. For prescription medication
61 | purchased under the requirements of this subsection, a
62 | dispensing practitioner shall not possess such medication unless
63 | payment has been made by the practitioner, the practitioner's
64 | professional practice, or the practitioner's practice management
65 | company or employer to the supplying manufacturer, wholesaler,
66 | distributor, or drug repackager within 60 days of the dispensing
67 | practitioner taking possession of that medication.

68 | Section 2. This act shall take effect July 1, 2015.