



563546

LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/01/2016 | . | |
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The Committee on Banking and Insurance (Smith) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 277 and 278

insert:

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the department may, and the judge of compensation claims shall, upon



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11 his or her own motion or within 15 days after receipt of a
12 written request by either the injured employee, the employer, or
13 the carrier, order the injured employee to be evaluated by an
14 expert medical advisor. The injured employee and the employer or
15 carrier may agree on the health care provider to serve as an
16 expert medical advisor. If the parties do not agree, the judge
17 of compensation claims shall select an expert medical advisor
18 from the department's list of certified expert medical advisors.
19 If a certified medical advisor within the relevant medical
20 specialty is unavailable, the judge of compensation claims shall
21 appoint any otherwise qualified health care provider to serve as
22 an expert medical advisor without obtaining the department's
23 certification. The opinion of the expert medical advisor is
24 presumed to be correct unless there is clear and convincing
25 evidence to the contrary as determined by the judge of
26 compensation claims. The expert medical advisor appointed to
27 conduct the evaluation shall have free and complete access to
28 the medical records of the employee. An employee who fails to
29 report to and cooperate with such evaluation forfeits
30 entitlement to compensation during the period of failure to
31 report or cooperate.

32
33 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

34 And the directory clause is amended as follows:

35 Delete line 247

36 and insert:

37 (a), (c), and (f) of subsection (9) of section 440.13, Florida

38
39 ===== T I T L E A M E N D M E N T =====



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40 And the title is amended as follows:
41 Between lines 27 and 28
42 insert:
43 providing requirements for the selection of an expert
44 medical advisor;