

1                   A bill to be entitled  
 2           An act relating to nurse registries; amending s.  
 3           440.13, F.S.; authorizing the use of licensed nurse  
 4           registries for the placement of attendant care  
 5           provided for workers' compensation purposes; providing  
 6           an effective date.

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

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 10           Section 1. Paragraph (b) of subsection (2) of section  
 11           440.13, Florida Statutes, is amended to read:

12           440.13 Medical services and supplies; penalty for  
 13           violations; limitations.—

14           (2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

15           (b)1. The employer shall provide appropriate professional  
 16           or nonprofessional attendant care performed only at the  
 17           direction and control of a physician when such care is medically  
 18           necessary. The physician shall prescribe such care in writing.  
 19           The employer or carrier shall not be responsible for such care  
 20           until the prescription for attendant care is received by the  
 21           employer and carrier, which shall specify the time periods for  
 22           such care, the level of care required, and the type of  
 23           assistance required. A prescription for attendant care shall not  
 24           prescribe such care retroactively. The value of nonprofessional  
 25           attendant care provided by a family member must be determined as

26 follows:

27 ~~a.1.~~ If the family member is not employed or if the family  
 28 member is employed and is providing attendant care services  
 29 during hours that he or she is not engaged in employment, the  
 30 per-hour value equals the federal minimum hourly wage.

31 ~~b.2.~~ If the family member is employed and elects to leave  
 32 that employment to provide attendant or custodial care, the per-  
 33 hour value of that care equals the per-hour value of the family  
 34 member's former employment, not to exceed the per-hour value of  
 35 such care available in the community at large. A family member  
 36 or a combination of family members providing nonprofessional  
 37 attendant care under this paragraph may not be compensated for  
 38 more than a total of 12 hours per day.

39 ~~c.3.~~ If the family member remains employed while providing  
 40 attendant or custodial care, the per-hour value of that care  
 41 equals the per-hour value of the family member's employment, not  
 42 to exceed the per-hour value of such care available in the  
 43 community at large.

44 2. The employer or carrier may use a nurse registry  
 45 licensed pursuant to s. 400.506 for the placement of authorized  
 46 compensable attendant care services.

47  
 48 Failure of the carrier to timely comply with this subsection  
 49 shall be a violation of this chapter and the carrier shall be  
 50 subject to penalties as provided for in s. 440.525.

51 |       Section 2.   This act shall take effect July 1, 2020.       |