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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/15/2020	.	
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The Committee on Banking and Insurance (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 9 - 23

and insert:

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

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

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

(b)1. The employer shall provide appropriate professional



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11 or nonprofessional attendant care performed only at the
12 direction and control of a physician when such care is medically
13 necessary. The physician shall prescribe such care in writing.
14 The employer or carrier shall not be responsible for such care
15 until the prescription for attendant care is received by the
16 employer and carrier, which shall specify the time periods for
17 such care, the level of care required, and the type of
18 assistance required. A prescription for attendant care shall not
19 prescribe such care retroactively. The value of nonprofessional
20 attendant care provided by a family member must be determined as
21 follows:

22 a.1. If the family member is not employed or if the family
23 member is employed and is providing attendant care services
24 during hours that he or she is not engaged in employment, the
25 per-hour value equals the federal minimum hourly wage.

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

34 c.3. If the family member remains employed while providing
35 attendant or custodial care, the per-hour value of that care
36 equals the per-hour value of the family member's employment, not
37 to exceed the per-hour value of such care available in the
38 community at large.

39 2. The employer or carrier may use a nurse registry



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40 pursuant to s. 400.506 for the placement of authorized
41 compensable attendant care services.

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43 Failure of the carrier to timely comply with this subsection
44 shall be a violation of this chapter and the carrier shall be
45 subject to penalties as provided for in s. 440.525.

46 Section 2. For the purpose of incorporating the amendment
47 made by this act to section 440.13(2)(b), Florida Statutes, in a
48 reference thereto, subsection (16) of section 440.134, Florida
49 Statutes, is reenacted to read:

50 440.134 Workers' compensation managed care arrangement.—

51 (16) When a carrier enters into a managed care arrangement
52 pursuant to this section the employees who are covered by the
53 provisions of such arrangement shall be deemed to have received
54 all the benefits to which they are entitled pursuant to s.
55 440.13(2)(a) and (b). In addition, the employer shall be deemed
56 to have complied completely with the requirements of such
57 provisions. The provisions governing managed care arrangements
58 shall govern exclusively unless specifically stated otherwise in
59 this section.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 3 - 5

64 and insert:

65 440.13, F.S.; authorizing the use of licensed nurse
66 registries for the placement of attendant care
67 provided for workers' compensation purposes;
68 reenacting s. 440.134(16), F.S., relating to workers'



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compensation managed care arrangements, to incorporate
the amendment made to s. 440.13, F.S., in a reference
thereto; providing an effective date.