

By Senator Bradley

6-01070-23

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1 A bill to be entitled
2 An act relating to medical treatment under the
3 Workers' Compensation Law; amending s. 440.13, F.S.;
4 increasing limits on witness fees charged by certain
5 witnesses; increasing maximum reimbursement allowances
6 for physicians and surgical procedures; providing an
7 effective date.

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

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11 Section 1. Subsection (10) and paragraph (b) of subsection
12 (12) of section 440.13, Florida Statutes, are amended to read:
13 440.13 Medical services and supplies; penalty for
14 violations; limitations.—

15 (10) WITNESS FEES.—Any health care provider who gives a
16 deposition shall be allowed a witness fee. The amount charged by
17 the witness may not exceed \$300 ~~\$200~~ per hour. An expert witness
18 who has never provided direct professional services to a party
19 but has merely reviewed medical records and provided an expert
20 opinion or has provided only direct professional services that
21 were unrelated to the workers' compensation case may not be
22 allowed a witness fee in excess of \$300 ~~\$200~~ per day.

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

25 (b) It is the intent of the Legislature to increase the
26 schedule of maximum reimbursement allowances for selected
27 physicians effective January 1, 2004, and to pay for the
28 increases through reductions in payments to hospitals. Revisions
29 developed pursuant to this subsection are limited to the

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30 following:

31 1. Payments for outpatient physical, occupational, and
32 speech therapy provided by hospitals shall be reduced to the
33 schedule of maximum reimbursement allowances for these services
34 which applies to nonhospital providers.

35 2. Payments for scheduled outpatient nonemergency
36 radiological and clinical laboratory services that are not
37 provided in conjunction with a surgical procedure shall be
38 reduced to the schedule of maximum reimbursement allowances for
39 these services which applies to nonhospital providers.

40 3. Outpatient reimbursement for scheduled surgeries shall
41 be reduced from 75 percent of charges to 60 percent of charges.

42 4. Maximum reimbursement for a physician licensed under
43 chapter 458 or chapter 459 shall be increased to 200 ~~110~~ percent
44 of the reimbursement allowed by Medicare, using appropriate
45 codes and modifiers or the medical reimbursement level adopted
46 by the three-member panel as of January 1, 2003, whichever is
47 greater.

48 5. Maximum reimbursement for surgical procedures shall be
49 increased to 200 ~~140~~ percent of the reimbursement allowed by
50 Medicare or the medical reimbursement level adopted by the
51 three-member panel as of January 1, 2003, whichever is greater.

52
53 The department, as requested, shall provide data to the panel,
54 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

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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, 2023.