

Workers Compensation Claim State Environmental Guide - Florida

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Indemnity issues

<p>Temporary Total Benefits</p>	<p>Calculated: $AWW \times 66 \frac{2}{3}\% = \text{Comp Rate (TTD Rate)}$ <i>Min: \$20.00 per week; Max: \$1260.00 per week</i>; Wait Period is the first 7 days of economic loss regardless of TTD or TPD benefits (could be combined benefits), these benefits can be retroactive. Dates of accident 1/1/94 and forward, the maximum entitlement to TTD is now 260 weeks based on <u>Westphal</u> decision. 13 week Wage Statement is preferred</p>
<p>Temporary Partial Benefits</p>	<p>Calculated: $AWW \times 80\% - \text{earnings (salary, wages and other remuneration the employee is able to earn)} \times 80\% = \text{TPD Rate}$. <i>Min: \$20.00 per week; Max: \$1260.00</i>; Wait Period is the first 7 days of economic loss regardless of TTD or TPD benefits (could be combined benefits), these benefits can be retroactive, these benefits are maxed at 260 weeks combined with TTD, TPD and/or RTT.</p>
<p>Permanent Partial Benefits</p>	<p>Pre 10/1/03: due 20 days of Carrier knowledge of MMI information. Calculation: 3 wks for each % of impairment, paid at 50% of the average TTD Rate. Post 10/1/03: due 14 days of Carrier receipt of MMI information. Calculation: <ul style="list-style-type: none"> • 1 thru 10% = 2 wks for each % • 11 thru 15% = 3 wks for each % • 16 thru 20% = 4 wks for each % • >21% = 6 wks for each % Ex: 18% impairment: 20 wks (10% x 2) + 15 wks (5% x 3) + 12 weeks (3% x 4) = 47 weeks due. Paid at 75% of the average TTD Rate, if RTW reduced by additional 50%. Entitlement begins day after MMI date. These could be retroactive. Determined Body As A Whole, Florida Impairment guidelines.</p>
<p>Permanent Total Benefits</p>	<p>Calculated: $AWW \times 66 \frac{2}{3}\% = \text{Comp Rate}$. <i>Min: \$20.00 per week; Max: \$1260.00 per week</i>; Wait Period is the first 7 days of economic loss regardless of what benefits except PPD (could be combined benefits), these benefits can be retroactive. Limits: Pre 7/1/1984 PT supplemental benefits are paid by the state Post 7/1/1990 PT supplemental benefits cease at age 62 (subject to age at time of PTD determination) <ul style="list-style-type: none"> • Pre 10/1/03 PTD: Lifetime • Post 10/1/03: to age 75, If accident occurs after age 70, maximum PT is 5 years. </p>

Indemnity issues

<p>Fatality Benefits</p>	<p><i>Pre 10/1/03</i> Burial = \$5000.00 Maximum Max Benefit = \$100,000.00 Compensation to aliens not residents of the US or Canada shall not exceed \$50,000.00</p> <p><i>Post 10/1/03</i></p> <ul style="list-style-type: none"> • Burial = \$7500.00 Maximum • Max benefit = \$150,000.00 • Compensation to aliens not residents of the US or Canada shall not exceed \$75,000.00. <p><i>All Dates of Accident:</i></p> <ul style="list-style-type: none"> • Combined weekly benefit never exceeds 66 2/3% (.6667) regardless of number of dependents. • Spouse with no dependent = 50% of AWW to cease at spouses death. • Spouse + 1 or more Total Dependents: Pay at 50% of AWW to spouse (don't include prior TT paid) and in addition 16 2/3% of AWW payable to child or children. Max still \$100,000.00 for accidents prior to 10/1/03 and maximum of \$150,000.00 for 10/1/03 and after. • To the child or children if no spouse: Pay benefits at 33 1/3% of AWW up to .6667% of AWW for each child. • Upon spouse's remarriage pay 26 weeks lump sum at 50% of AWW (no impact to child/children continued benefit) not to exceed \$150,000.00 • If no spouse or dependent child but there exists a dependent parent of the deceased, benefits are paid at 25% of AWW to each. • If no spouse or dependent child but there exists a dependent brother, sister or grandchild of the deceased, benefits are paid at 15% of AWW to each. • The dependence of a child, except physically or mentally incapacitated from earning a living shall terminate at 18 years of age or at age 22 if a full time student in an accredited educational institution, or upon marriage. <p><i>Post 1/1/94:</i> To the surviving spouse eligible up to 1800 classroom hours at any Community College up to 80 semester hours. These benefits are in addition to all other payable benefits and terminate seven years following the date of death or when full death benefit is paid. Fees are waived for state employees.</p>
<p>Vocational Rehabilitation</p>	<p>Retraining, not mandatory but the injured worker can apply through the State and get accepted into a program. Eligible for up to a maximum of 52 weeks. This is a combined benefit with TTD/TPD with a cap of 260 weeks.</p>
<p>Settlement Allowed</p>	<p>Indemnity and Medical can be settled together or separate; approval needed only if claimant is not represented by counsel.</p>
<p>Cap on benefits, exceptions</p>	<p>. For dates of accident 1/1/94 and forward the TTD/TPD/RTT cap is 260 weeks. PT Maximum; ends at age 75 or if accident occurs after age 70, five year maximum for PT.</p>

Medical issues

<p>Initial Choice of Provider</p>	<p>The Employer/Carrier has right of selection.</p>
<p>Change of Provider</p>	<p>One time during the life of a claim. The Employer/Carrier has right of selection within five calendar days from the request. If the Employer/Carrier fails to respond, the right of selection reverts to the injured worker, and if the Employer is a member of a Managed Care Arrangement, the injured worker will select</p>

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Medical issues

	from a panel of three physicians provided by the Employer/Carrier.
Medical Fee Schedule	Yes, State Mandated. In the State of Florida there is no one set reimbursement percentage over Medicare. Reimbursements may vary greatly by procedure code, some paying below Medicare while others pay a significantly higher amount over Medicare. Minor legislative changes HB161/SB362 / SB808/HB637
Resolution of Reimbursement Disputes	Providers have 45 days to submit a Petition to contest carrier disallowance or adjustment of payment. Failure to submit a Carrier Response within 30 days constitutes a waiver of all objections to the Petition and can result in fees above and beyond the disallowance/adjustment.
Managed Care (JUA ONLY)	
Utilization Review	Yes
Treatment Guidelines	Practice parameters and protocols adopted by the United States Agency for Healthcare Research and Quality in effect on Jan 1, 2003 (440.13).
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	44.5 cents per mile payable to claimant
Network Information	Coventry Network
Ability to Terminate Medical Treatment	Only through IME, court order or if the Statute of Limitations has run.
Settlement Allowed	Yes
Cap on benefits, exceptions	No

Other Issues

Compensability Decision Timeframe	Compensability decision made within (14) days unless additional investigation is needed.
WC Hearing Docket Speed	210 days. Outcome of hearings: balanced.
IME / EMA	Generally only 1 IME allowed. Section 440.13(9)(c) was amended effective 5/25/2023 so that whether the JCC appoints an EMA when the opinions of health care providers differ is now permissive [may] as opposed to required [shall].
Staff Counsel	Law Office of Jack D. Evans, 2420 Lakemont Ave, Ste 125, Orlando, FL 32814, Ph 407-388-2905 Law Offices of Jack D. Evans, 1 N Dale Mabry Hwy., Ste. 805 Tampa, FL 33609. 813 357 6200 Law Offices of Jack D. Evans, ,4600 Touchton Road East Building 100, Ste. 140 Jacksonville FL 32246, Ph 904-928-2946 Law Offices of James Kehoe, 3230 W Commercial Blvd Ste 250, Ft. Lauderdale, FL 33309, Ph 954-677-3700 Law Offices of Esther B. Nickas, 800 Douglas Road, Ste. 750, Coral Gables, FL 33134, Ph 786-394-2950
Hearings require attorney or claim handler participation	Both attorney and claim handler to be present.

Other Issues

Occupational Diseases	Acceptable diseases listed in Statute (440.151)
Second Injury Fund availability	No
Other Offset Opportunities	Apportionment, SSN, overpayment, child support, unemployment compensation, post injury earnings.
EDI	Claims EDI Release 3: FROI & SROI (11/1/2007)
In-State Adjusting Required	No, but license required.
License or Certification Required	Yes, license required.