

1 A bill to be entitled
 2 An act relating to maximum reimbursement allowances
 3 for workers' compensation medical services; amending
 4 s. 440.13, F.S.; revising the process for establishing
 5 schedules of maximum reimbursement allowances; making
 6 adoption of schedules of maximum reimbursement
 7 allowances subject to judicial review under s. 120.68,
 8 F.S.; providing an effective date.

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

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 12 Section 1. Paragraph (a) of subsection (12) of section
 13 440.13, Florida Statutes, is amended to read:

14 440.13 Medical services and supplies; penalty for
 15 violations; limitations.—

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

18 (a) A three-member panel is created, consisting of the
 19 Chief Financial Officer, or the Chief Financial Officer's
 20 designee, and two members to be appointed by the Governor,
 21 subject to confirmation by the Senate, one member who, on
 22 account of present or previous vocation, employment, or
 23 affiliation, shall be classified as a representative of
 24 employers, the other member who, on account of previous
 25 vocation, employment, or affiliation, shall be classified as a
 26 representative of employees. The panel shall determine statewide

27 | schedules of maximum reimbursement allowances for medically
 28 | necessary treatment, care, and attendance provided by
 29 | physicians, hospitals, ambulatory surgical centers, work-
 30 | hardening programs, pain programs, and durable medical
 31 | equipment. The maximum reimbursement allowances for inpatient
 32 | hospital care shall be based on a schedule of per diem rates, to
 33 | be approved by the three-member panel no later than March 1,
 34 | 1994, to be used in conjunction with a precertification manual
 35 | as determined by the department, including maximum hours in
 36 | which an outpatient may remain in observation status, which
 37 | shall not exceed 23 hours. All compensable charges for hospital
 38 | outpatient care shall be reimbursed at 75 percent of usual and
 39 | customary charges, except as otherwise provided by this
 40 | subsection. Annually, the three-member panel shall ~~adopt~~ review
 41 | and revise as necessary schedules of maximum reimbursement
 42 | allowances for physicians, hospital inpatient care, hospital
 43 | outpatient care, ambulatory surgical centers, work-hardening
 44 | programs, and pain programs. An individual physician, hospital,
 45 | ambulatory surgical center, pain program, or work-hardening
 46 | program shall be reimbursed either the agreed-upon contract
 47 | price or the maximum reimbursement allowance in the appropriate
 48 | schedule. Subject to the requirements of ss. 120.569 and 120.57,
 49 | the schedules of maximum reimbursement allowances as determined
 50 | by the three-member panel shall be adopted by order of the
 51 | department. Such order is subject to judicial review under s.
 52 | 120.68. The department, as requested, shall provide data to the

53 panel, including, but not limited to, utilization trends in the
54 workers' compensation health care delivery system. The
55 department shall provide the panel with an annual report
56 regarding the resolution of medical reimbursement disputes and
57 any actions pursuant to subsection (8). The department shall
58 provide administrative support and service to the panel to the
59 extent requested by the panel. For prescription medication
60 purchased under the requirements of this subsection, a
61 dispensing practitioner shall not possess such medication unless
62 payment has been made by the practitioner, the practitioner's
63 professional practice, or the practitioner's practice management
64 company or employer to the supplying manufacturer, wholesaler,
65 distributor, or drug repackager within 60 days of the dispensing
66 practitioner taking possession of that medication.

67 Section 2. This act shall take effect July 1, 2015.