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1 A bill to be entitled
2 An act relating to reemployment services; amending s.
3 440.491, F.S.; revising intent; deleting certain carrier
4 reporting requirements; revising procedures for the
5 approval of certain formal training and education programs
6 by the Department of Education; revising duties of the
7 department relating to the monitoring and evaluation of
8 rehabilitation service providers; revising rules that may
9 be adopted by the department governing professional
10 practices and standards; providing for the nullification
11 and repeal of rules that require reporting to the
12 department of information regarding the provision of
13 services by carriers; requiring the ratification of
14 certain rules adopted between April 1, 2011, and February
15 1, 2013; providing construction; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (2), paragraph (c) of subsection
21 (5), paragraph (a) of subsection (6), paragraphs (c) and (e) of
22 subsection (7), and subsection (8) of section 440.491, Florida
23 Statutes, are amended to read:

24 440.491 Reemployment of injured workers; rehabilitation.—

25 (2) INTENT.—It is the intent of this section ~~to implement~~
26 ~~a systematic review by carriers of the factors that are~~
27 ~~predictive of longer term disability and~~ to encourage the
28 provision of medical care coordination and reemployment services

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29 that are necessary to assist the employee in returning to work
30 as soon as is medically feasible.

31 (5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

32 (c) A carrier may voluntarily provide medical care
33 coordination or reemployment services to the employee at
34 intervals more frequent than those required in this section. For
35 the purpose of monitoring reemployment, the carrier or the
36 rehabilitation provider shall report to the department, in the
37 manner prescribed by the department, the date of reemployment
38 and wages of the employee. ~~The carrier shall report its~~
39 ~~voluntary service activity to the department as required by~~
40 ~~rule.~~ Voluntary services offered by the carrier for any of the
41 following injuries must be considered benefits for purposes of
42 ratemaking: traumatic brain injury; spinal cord injury;
43 amputation, including loss of an eye or eyes; burns of 5 percent
44 or greater of the total body surface.

45 (6) TRAINING AND EDUCATION.—

46 (a) Upon referral of an injured employee by the carrier,
47 or upon the request of an injured employee, the department shall
48 conduct a training and education screening to determine whether
49 it should refer the employee for a vocational evaluation and, if
50 appropriate, approve training and education or other vocational
51 services for the employee. The department may not approve formal
52 training and education programs unless it determines, ~~after~~
53 ~~consideration of the reemployment assessment, pertinent~~
54 ~~reemployment status reviews or reports, and such other relevant~~
55 ~~factors as it prescribes by rule,~~ that the reemployment plan is
56 likely to result in return to suitable gainful employment. The

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department is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education at a Florida public college or at a career center established under s. 1001.44, or to secure other vocational services when necessary to satisfy the recommendation of a vocational evaluator. As used in this paragraph, "appropriate training and education" includes securing a general education diploma (GED), if necessary. The department shall establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs. For purposes of this subsection, training and education services may be secured from additional providers if:

1. The injured employee currently holds an associate degree and requests to earn a bachelor's degree not offered by a Florida public college located within 50 miles from his or her customary residence;

2. The injured employee's enrollment in an education or training program in a Florida public college or career center would be significantly delayed; or

3. The most appropriate training and education program is available only through a provider other than a Florida public college or career center or at a Florida public college or career center located more than 50 miles from the injured employee's customary residence.

(7) PROVIDER QUALIFICATIONS.—

(c) The department shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified

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85 under this subsection only to the extent necessary to ensure its
86 compliance with the minimum qualifications and credentials
87 established by the department. The failure of a qualified
88 rehabilitation service provider, facility, or agency to provide
89 the department with information requested and necessary or
90 access necessary for the department to satisfy its limited
91 responsibilities under this subsection is grounds for
92 disqualifying the provider, facility, or agency from further
93 referrals.

94 (e) The department, after consultation with
95 representatives of employees, employers, carriers,
96 rehabilitation providers, and qualified training and education
97 providers, shall adopt rules governing professional practices
98 and standards. Such rules may not require routine reporting to
99 the department of information about the provision of services by
100 carriers except upon reasonable specific inquiry related to the
101 department's investigative responsibilities under this
102 subsection.

103 (8) RULES REPEALED; RULES TO BE RATIFIED ~~CARRIER~~
104 ~~PRACTICES.~~ All rules requiring reporting to the department of
105 information regarding ~~The department shall monitor the selection~~
106 ~~of providers and~~ the provision of services by carriers under
107 this section which are in effect on July 1, 2011, are nullified
108 and repealed. Any rules adopted between April 1, 2011, and
109 February 1, 2013, to implement any portion of this section shall
110 not be effective unless ratified by the Legislature. Such rules
111 shall be submitted to the President of the Senate and the
112 Speaker of the House of Representatives immediately upon

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113 adoption. If no rules are adopted in such period, the authority
114 for rulemaking under this section shall be nullified and stand
115 repealed. This subsection may not be construed to authorize
116 additional rules or to exempt rulemaking from other provisions
117 of law ~~for consistency with legislative intent set forth in~~
118 ~~subsection (2).~~

119 Section 2. This act shall take effect July 1, 2011.