

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative Stone offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 10-24 and insert:

7 Section 1. Paragraph (b) of subsection (2) of section
8 440.13, Florida Statutes, is amended to read:

9 440.13 Medical services and supplies; penalty for
10 violations; limitations.—

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

12 (b)1. The employer shall provide appropriate professional
13 or nonprofessional attendant care performed only at the
14 direction and control of a physician when such care is medically
15 necessary. The physician shall prescribe such care in writing.
16 The employer or carrier shall not be responsible for such care

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17 until the prescription for attendant care is received by the
18 employer and carrier, which shall specify the time periods for
19 such care, the level of care required, and the type of
20 assistance required. A prescription for attendant care shall not
21 prescribe such care retroactively. The value of nonprofessional
22 attendant care provided by a family member must be determined as
23 follows:

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

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

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

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

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42 licensed pursuant to s. 400.506 for the placement of authorized
43 compensable attendant care services.

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

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50 **T I T L E A M E N D M E N T**

51 Remove lines 3-6 and insert:

52 440.13, F.S.; authorizing the use of licensed nurse registries
53 for the placement of attendant care provided for workers'
54 compensation purposes; providing an effective date.