

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:  
 19

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

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

57 department is authorized to expend moneys from the Workers'  
 58 Compensation Administration Trust Fund, established by s.  
 59 440.50, to secure appropriate training and education at a  
 60 Florida public college or at a career center established under  
 61 s. 1001.44, or to secure other vocational services when  
 62 necessary to satisfy the recommendation of a vocational  
 63 evaluator. As used in this paragraph, "appropriate training and  
 64 education" includes securing a general education diploma (GED),  
 65 if necessary. The department shall establish training and  
 66 education standards pertaining to employee eligibility, course  
 67 curricula and duration, and associated costs. For purposes of  
 68 this subsection, training and education services may be secured  
 69 from additional providers if:

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

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

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

82 (7) PROVIDER QUALIFICATIONS.—

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

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

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.