

Workers Compensation Claim State Environmental Guide - Florida

FLORIDA – <http://www.myfloridacfo.com/division/wc/>

Indemnity issues

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| <p>Temporary Total Benefits</p> | <p>Calculated: AWW x 66 2/3% = Comp Rate (TTD Rate) Min: \$20.00 per week; Max: \$863.00 per week; 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. [TPD and/or RTT cap of 104 weeks is subject to appellate review in light of <u>Westphal</u> decision below.]</p> |
| <p>Temporary Partial Benefits</p> | <p>Calculated: AWW x 80% - earnings (salary, wages and other remuneration the employee is able to earn) x 80% = TPD Rate. Min: \$20.00 per week; Max: \$863.00; 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 104 weeks combined with TTD, TPD and/or RTT. [TPD and/or RTT cap of 104 weeks is subject to appellate review in light of <u>Westphal</u> decision below.]</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: • 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> |

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| <p>Permanent Total Benefits</p> | <p>Calculated: AWW x 66 2/3% = Comp Rate. Min: \$20.00 per week; Max: \$863.00 per week; 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) • 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> |
| <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 <i>Post 10/1/03</i> • 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. <i>All Dates of Accident:</i> • 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. <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 required; Max 52 weeks. [TPD and/or RTT cap of 104 weeks is subject to appellate review in light of <u>Westphal</u> decision below.]</p> |
| <p>Settlement Allowed</p> | <p>Indemnity and Medical can be settlement together or separate; approval needed only if claimant is not represented by counsel.</p> |

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| Cap on benefits, exceptions | 260 weeks for TTD/104 weeks of TPD benefits, PT Maximum; ends at age 75 or if accident occurs after age 70, 5 year maximum for PT. For dates of accident 1/1/94 and forward the TTD cap is 260 weeks.[TPD and/or RTT combined cap of 104 weeks is subject to appellate review in light of <u>Westphal</u> decision below.] |
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Medical issues

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| Initial Choice of Provider | Yes, Choice of 3 PCP's |
| Change of Provider | One time in life of claim except PCP |
| 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. |
| 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 the disallowance/adjustment. |
| Managed Care (JUA ONLY) | Managed care sunset 12/1/15 for all customers except for the Florida Joint Underwriting Company. |
| 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

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| WC Hearing Docket Speed | 210 days. Outcome of hearings: balanced. |
| 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, Building 100, 4600 Touchton Road E, 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. |
| Occupational Diseases | Acceptable diseases listed in Statute (440.151) |
| Second Injury Fund availability | No |

Other Issues

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| 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. |