

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULE DEVELOPMENT

RULE CHAPTER NUMBER:	RULE CHAPTER TITLE:
69L-29, F.A.C.	Health Care Provider Certification
RULE:	RULE TITLE:
69L-29.001, F.A.C.	Definitions
69L-29.002, F.A.C.	<u>Eligibility</u> Requirements for Certification
69L-29.003, F.A.C.	Certification Time Frames
69L-29.004, F.A.C.	Occasional Health Care Providers (Repealed)
69L-29.005, F.A.C.	<u>Revocation</u> <del>Decertification</del> of <u>Certification Status</u> <del>a Health Care Provider</del>
69L-29.006, F.A.C.	Decertification Process (Repealed)
69L-29.007, F.A.C.	Recertification Process (Repealed)
69L-29.008, F.A.C.	<u>Verification of</u> <del>Determining</del> Certification Status
69L-29.009, F.A.C.	Carrier Responsibilities (Repealed)
69L-29.010, F.A.C.	<u>Certified</u> Health Care Provider Responsibilities
69L-29.011, F.A.C.	Workers' Compensation Certification Training Courses (Repealed)

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the current rule chapter to revise the process by which health care providers meet the minimum criteria for certification pursuant to section 440.13(3)(a), F.S. The proposed amendment also introduces the "Florida Workers' Compensation Health Care Provider Certification Tutorial," a no-cost, on-line resource that implements an electronic certification process for health care providers that will improve efficiencies in the certification process. The tutorial ensures participation only by statutorily defined providers and provides a learning tool that allows providers to progress at their own pace and to create and maintain their provider profile. The tutorial supplies providers with an overview of the Florida Workers' Compensation System and the general administrative policies necessary for a health care provider to be certified and successfully participate under the Florida workers' compensation system.

SUBJECT AREA TO BE ADDRESSED: Certification of Health Care Providers

RULEMAKING AUTHORITY: 440.13(3)(a), 440.591, F.S.

LAW IMPLEMENTED: 440.13(3), (13), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: \_\_\_\_\_

PLACE: \_\_\_\_ Larson Building, 200 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Lloyd, Program Director, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850) 413-1689, Eric.Lloyd@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## **69L-29, F.A.C. HEALTH CARE PROVIDER CERTIFICATION**

### **69L-29.001 Definitions.**

~~(1) "Application" means form DFS Form 3160-0020 required by this rule chapter to be submitted by health care providers to the Department. The DFS Form 3160-0020 application form is incorporated into this rule chapter by reference in subsection 69L-29.002(1), F.A.C.~~

~~(2) "Certification training course" is a training and education course approved by the Department to satisfy the minimum five hour course required by Section 440.13(3)(a), F.S.~~

As used in this rule chapter:

~~(1)(3) "Certified health care provider" (hereinafter "certified provider") is as defined in Section 440.13(1)(d), F.S.~~

~~(2)(4) "Certification" is the process through which a health care provider is approved as eligible to receive reimbursement for services rendered under Chapter 440, F.S., upon completion of the Division's Health Care Provider Certification Tutorial by correctly answering 95% of the tutorial review questions. "Certify" is the process through which the Department grants or denies certification status to a health care provider.~~

~~(3) "Deemed certified" is the status of a health care provider not required to complete the Health Care Provider Tutorial pursuant to this rule chapter in order to receive reimbursement for services rendered under Chapter 440, F.S.~~

~~(4) "Department" is the Department of Financial Services.~~

~~(5) "Division" is the Division of Workers' Compensation of the Department of Financial Services.~~

~~(5) "Decertification" means Department revocation of certification.~~

~~(6)~~ “Department” is defined in Section 440.02(12), F.S.

~~(6)(7)~~ “Emergency services and care” is as defined in Section 440.13(1)(f), F.S.

~~(7)(8)~~ “Health care facility” is as defined in Section 440.13(1)(g), F.S.

~~(8)(9)~~ “Health care provider” (hereinafter “provider”) is as defined in Section 440.13(1)(h), F.S.

(9) “Health Care Provider Certification List” (hereinafter “Certification List”) is the Division’s electronic database of providers certified pursuant to this rule chapter.

(10) “Health Care Provider Certification Tutorial” or “HCP Tutorial”, hereby incorporated by reference in this rule chapter, is the electronic tool used by the Division to educate providers on Chapter 440, F.S., and applicable administrative rules that govern the provision of medical treatment and services under the Florida Workers’ Compensation health care delivery system. The HCP Tutorial is also the tool by which a provider’s familiarity with applicable provisions of the statute and administrative rules is evaluated for purposes of certification pursuant to this rule chapter.

~~(10)~~ “~~Non-physician health care provider~~” means a health care provider licensed pursuant to the Florida Statutes who is not a physician as defined in Section 440.13(1)(q), F.S., and who bills for services rendered on form DFS F5-DWC-9 pursuant to Rule 69L-7.602, F.A.C.

~~(11)~~ “~~Occasional provider~~” means a health care provider who treats twelve ~~(12)~~ or fewer injured employees in one calendar year.

~~(11)(12)~~ “Physician” is as defined in Section 440.13(1)(q), F.S.

(12) “Recognized practitioner” is a non-physician health care provider licensed by the Department of Health (hereinafter “DOH”) who works under the protocol of a physician or who, upon referral from a physician, can render direct billable services independent of the supervision of a physician.

~~(13)(13)~~ “~~Revocation~~” “~~Suspension~~” means the Department’s action to remove a provider’s name from the Certification List. bar for a specified period of time a health care provider’s eligibility to receive reimbursement for services rendered under Chapter 440, F.S.

(14) “Nursing Home Facility” is a health care facility licensed under Chapter 400, F.S.

(15) “Home Health Agency” is a health care facility licensed under Chapter 400, F.S.

(16) “Home Medical Equipment Provider or HME Provider” is a health care facility licensed under Chapter 400, F.S.

*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.001, 59A-29.001, Amended \_\_\_\_\_.*

**69L-29.002 Eligibility Requirements for Certification.**

(1) A health care provider who meets the following requirements qualifies for certification: ~~The Department shall certify health care providers who meet the following requirements:~~

(a) is a physician that ~~The health care provider~~ holds a clear active valid license issued by the Department of Health (hereinafter “DOH”) or holds a Florida ~~medical~~ school teaching or faculty certificate issued pursuant to Sections 458.3145, 459.0077, 463.0057 or 466.002, F.S., or holds a temporary certificate for practice in an area of critical need issued pursuant to Section 458.315, F.S.; or

(b) is a recognized practitioner that holds a clear active license issued by DOH; and who ~~The health care provider has submitted a signed, typed, and completed application form DFS Form 3160-0020 to the Division of Workers’ Compensation, Office of Medical Services, c/o Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399 4232. Illegible or unsigned applications shall be returned. The DFS Form 3160-0020 application form is incorporated by reference into Chapter 69L-29, F.A.C. The version of the form required to be submitted to the Department shall bear the date October 15, 1994. A copy of the application form DFS Form 3160-0020 may be obtained from the Department.~~

(c) correctly answers 95% of the HCP Tutorial review questions. ~~Physicians shall enroll in and complete a minimum 5 hour Department approved training course, pursuant to Section 440.13(3)(a), F.S. The Department shall not credit a physician for completion of any training course to meet the requirements of Section 440.13(3)(a), F.S., prior to the date the Department approves the training course for credit.~~

(2) A health care facility with a license issued by the Agency for Health Care Administration (hereinafter “AHCA”) is deemed certified. ~~The Department shall not certify a health care provider when:~~

(a) ~~The Agency for Health Care Administration has entered an adverse final order imposing an administrative penalty, which revokes or suspends the health care provider’s license, or places the health care provider on probation, or the health care provider agrees to such an administrative penalty, within twelve months preceding the date of filing of the application form DFS Form 3160-0020; or~~

~~(b) The Department has entered an adverse final order imposing an administrative penalty or fine against the health care provider within twelve months preceding the date of filing of the application form DFS Form 3160-0020; or~~

~~(c) The health care provider has been suspended three times pursuant to subsection 69L-29.006(5), F.A.C.~~

~~(3) A health care provider under contract with a licensed managed care organization is deemed certified. The following are not required to be certified in order to provide services pursuant to Section 440.13, F.S.:~~

~~(a) Health care providers rendering emergency services and care.~~

~~(b) Pharmacists licensed under Chapter 465, F.S.~~

~~(c) Medical suppliers who bill on the DFS-F5-DWC-10.~~

~~(d) Health care providers of medical services rendered outside the State of Florida.~~

~~(e) Federal health care providers.~~

~~(f) Health care facilities, except that physicians and non-physician health care providers employed as health care providers must be certified under this rule as a condition to eligibility for payment under Chapter 440, F.S.~~

~~(4) A pharmacist licensed under Chapter 456, F.S. is deemed certified.~~

~~(5) A provider shall not be eligible for reimbursement of services pursuant to Section 440.13, F.S., until such time as he or she meets the eligibility requirements for certification under this rule.~~

~~*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.002, 59A-29.002, Amended \_\_\_\_\_.*~~

#### **69L-29.003 Certification Time Frames.**

~~The Department shall certify health care providers within the following time frames:~~

~~(1) Upon correctly answering 95% of the HCP Tutorial review questions, the health care provider will be issued an electronically generated Division of Workers' Compensation Approval of Provider Certification and Eligibility for Reimbursement Notification (hereinafter "DWC Provider Certification Notice"). Upon the effective date of this rule, the Department shall accept applications for certification from physicians. Within 90 days of receipt of an application for certification, the Department shall return to the physician a notice of approval or denial of certification, or shall request additional required information not previously submitted, and shall state the reasons for~~

~~denial of certification. The Department shall maintain the original application form DFS Form 3160-0020 in its files. Physicians, as a condition to eligibility for payment under Chapter 440, F.S., shall be certified within 12 months of the effective date of this rule.~~

~~(2) The DWC Provider Certification Notice shall include the effective date on which a provider may begin to receive reimbursement for medical treatment and services rendered to injured employees under Chapter 440, F.S. Beginning 12 months following the effective date of this rule, the Department shall accept applications for certification from non-physician health care providers. Within 90 days of receipt of an application for certification, the Department shall return to the non-physician health care provider a notice of approval or denial of certification, and shall request additional required information not previously submitted, or shall state the reasons for denial of certification. The Department shall maintain the original application form DFS Form 3160-0020 in its files. Non-physician health care providers, as a condition to eligibility for payment under Chapter 440, F.S., shall be certified within 24 months of the effective date of this rule.~~

~~(3) A health care provider's certification remains in effect unless voluntarily withdrawn by the health care provider or revoked by the Department pursuant to Rule 69L-29.004, F.A.C. and Section 440.13, F.S.~~

~~*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.002, 59A-29.003, Amended*~~

#### **69L-29.004 Occasional Health Care Providers.**

~~*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.004, 59A-29.004, Repealed*~~

#### **69L-29.005 Revocation Decertification of Certification Status a Health Care Provider.**

~~(1) The Department shall revoke a provider's certification and remove a health care provider's name from the Certification List when any one of the following conditions occurs, precluding eligibility for reimbursement under Chapter 440, F.S.: Pursuant to Section 440.13(13), F.S., the Department shall suspend and remove health care providers from its database of certified health care providers, upon the following:~~

~~(a) The certified health care provider has engaged in any conduct proscribed in Section 440.13(13), F.S.; or When the Department enters an adverse final order against the health care provider imposing an administrative fine~~

~~or penalty upon the health care provider for violations of Chapter 440, F.S., or the administrative rules adopted by the Department; or~~

~~(b) The certified health care provider no longer holds clear active certification or licensure required for health care provider certification pursuant to Rule 69L-29.002, F.A.C.; or When the Department of Health has entered an adverse final order imposing an administrative penalty, which revokes or suspends the health care provider's license, or places the health care provider on probation, or the health care provider agrees to such an administrative penalty.~~

~~(c) The certified health care provider is no longer under contract with a managed care organization.~~

~~(2) When a health care provider is suspended or decertified, the health care provider shall notify each carrier from whom he/she has received authorization to treat an injured employee. The carrier shall transfer the care of the injured employee to another certified health care provider.~~

*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.005, 59A-29.005, Amended*

#### **69L-29.006 Decertification Process.**

*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (8), (13) FS. History—New 3-14-95, Formerly 38F-53.006, 59A-29.006, Repealed*

#### **69L-29.007 Recertification Process.**

*Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.007, 59A-29.007, Repealed*

#### **69L-29.008 Verification of Determining Certification Status.**

~~(1) Upon issuance of the DWC Provider Certification Notice, the following information for each certified health care provider will be recorded on the Certification List: When a carrier or an agent of the carrier requests the certification status of a health care provider, the health care provider shall provide proof of current certification before being authorized to render care. A copy of the notice of approval of certification issued by the Department to the health care provider may be used as proof of current certification.~~

(a) Provider's First and Last Name:

(b) Provider's DOH or AHCA license or certification number:

(c) Provider's place of business name, address(es) and telephone number(s):

(d) Provider's specialty board affiliation(s) and sub-specialty(ies).

(2) The certification status of a provider may be verified by accessing the Certification List at <https://apps.myfloridacfo.com/provider/Index.aspx>. The Department shall maintain on a quarterly basis a list of health care providers suspended or decertified and the duration of suspension.

(3) A health care provider who, pursuant to this rule chapter, is deemed certified may elect not to be listed on the Certification List by completing the HCP Tutorial Pre-Screening Assessment at <http://www.myfloridacfo.com/WC/provider/omc-certification.html>. The Department shall respond to written requests for certification status within sixty days of receipt of the request. The request shall provide the full name, license number, and mailing address of each health care provider for whom certification status is being requested. No request for certification status shall be answered over the telephone or accepted by facsimile transmission.

(4) A health care provider who, pursuant to this rule chapter, is deemed certified and elects not to be listed on the Certification List shall provide proof of current required licensure or contract with a licensed managed care arrangement upon which certification status is deemed when requested by an insurer.

(5) Certified health care providers are responsible for updating their provider profile to reflect any changes in the information identified in section (1).

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.008, 59A-29.008, Amended \_\_\_\_\_.

**69L-29.009 Carrier Responsibilities.**

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.009, 59A-29.009, Repealed \_\_\_\_\_.

**69L-29.010 Certified Health Care Provider Responsibilities.**

(1) A certified health care provider Health care providers shall be responsible for notifying the Division Department in writing of any change in the status of the that health care provider's license, certification, or contract with the licensed managed care organization , or mailing address within 30+0 days of such change in status. Such notifications changes shall be sent to: Division of Workers' Compensation, Office of Medical Services, c/o Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida,32399-4232.

(2) A certified health care provider shall ensure the information recorded on the Certification List is current and accurate by updating his, her or its provider record maintained in the Division's Provider Database, accessible on the Division's website at <http://www.myfloridacfo.com/WC/index.htm>.

(3) A certified health care provider shall provide a copy of the DWC Provider Certification Notice as proof of current certification when requested by an insurer.

(4) A certified health care provider shall notify all insurers for which the certified health care provider is actively treating injured employees of the expiration, suspension or revocation of the applicable state license or certification within 30 calendar days of such notification from DOH or AHCA. The timely notification of a change in license status to all insurers for which a provider is actively treating injured employees is required for the transfer of those cases to a certified health care provider for on-going treatment and care.

(5) Failure to comply with this rule shall result in forfeiture of any remedy pursuant to 440.13(7), F.S., for services rendered on or subsequent to the change in the provider's license or certification status.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.010, 59A-29.010, Amended \_\_\_\_\_.

**69L-29.011 Workers' Compensation Certification Training Courses.**

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.011, 59A-29.011, Repealed \_\_\_\_\_.