

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULE DEVELOPMENT

RULE NO.: RULE TITLE:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement
Manual

PURPOSE AND EFFECT: To amend the rule to adopt the 2008 Edition of the Florida Workers' Compensation Health Care Provider Manual and implement the 2008 conversion factors issued by the Centers for Medicare and Medicaid Services, as approved by the Three Member Panel, pursuant to Section 440.13(12), Florida Statutes. Additional proposed amendments to the rule will adopt the CPT® 2008 Current Procedural Terminology Professional Edition, Copyright 2007, American Medical Association and the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2008", American Medical Association, Twentieth Edition, Copyright 2007, Ingenix Publishing Group. The 2008 Edition of the Florida Workers' Compensation Health Care Provider Manual also provides new language addressing issues relating to co-payments, insurer reimbursement responsibilities, and reimbursement disputes. Specifically, it states that while health care providers are entitled to collect a \$10.00 co-payment from injured workers who have reached maximum medical improvement, such co-payments are not in addition to any maximum reimbursement allowance or fee agreement, and that the reimbursement amount otherwise payable by the insurer shall be reduced by the amount of the co-payment. It further specifies that such co-payments do not apply in cases involving emergency care or service of injured employees. The 2008 Manual also provides new language recognizing National Correct Coding Initiative Edits as an appropriate resource for insurer use in

the bill review process. On the subject of reimbursement disputes, new language provides that where an insurer has disallowed or adjusted payment for services rendered pursuant to an authorized workers' compensation managed care arrangement, a health care provider may not elect to petition the Department of Financial Services pursuant to Section 440.13, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Reimbursement to health care providers for services performed for injured workers pursuant to Chapter 440, Florida Statutes.

SPECIFIC AUTHORITY: 440.13(14)(b), 440.591, FS.

LAW IMPLEMENTED: 440.13(7), (12), (14)(c), FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: Tues., Sept. 9, 2008; 2:00pm – 4:00pm

PLACE: 104 J Hartman Bldg., 2012 Capital Circle SE, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Sam Willis, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850) 413-1898.

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-7.020](#) Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT[®] 2008~~7~~ Current Procedural Terminology Professional Edition, Copyright 2007~~6~~, American Medical Association; the Current Dental Terminology, CDT-2007/2008, Copyright 2006, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2008~~7~~", American Medical Association, ~~Twentieth~~^{Nineteenth} Edition, Copyright 2007~~6~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition incorporated above, the provider must use a code contained in the CPT[®]-2008~~7~~, CDT-2007/2008 or HCPCS-2008~~7~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.
*Specific Authority 440.13(14)(b), 440.591, FS. Law Implemented 440.13(7), (12), (14)(c), FS. History—
New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-*

*91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020,
Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07,_____.*