

Committee on Banking and Insurance

CS/SB 362 — Medical Treatment Under the Workers’ Compensation Law

by Fiscal Policy Committee and Senator Bradley

The bill increases the maximum medical reimbursements for physicians and surgical procedures and the maximum fees for expert witnesses under ch. 440, F.S., the “Workers Compensation Law” (law). The law requires employers to provide injured employees all medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require.

The bill increases the maximum reimbursement allowances (MRA) for physicians licensed under ch. 458, F.S., or ch. 459, F.S., from 110 percent to 175 percent of the reimbursement amount allowed by Medicare, and increases the MRA for surgical procedures from 140 percent to 210 percent of reimbursement amount allowed by Medicare.

In regard to expert medical witnesses, the law currently limits the amount health care providers can be paid for expert testimony during depositions on a workers’ compensation claim to \$200 per hour, unless they only provided an expert medical opinion following a medical record review or provided direct personal services unrelated to the case in dispute, in which case they are limited to a maximum of \$200 per day. The bill increases the maximum hourly amount allowed for expert witnesses to \$300 per hour. If an expert witnesses is subject to the daily rate, the maximum amount allowed is increased to \$300 per day.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect January 1, 2025.

Vote: Senate 40-0; House 113-0