

Common Sense Changes To The Florida Workers Comp System

by Mary Bailey,
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1. Enforce the law.

2. **Allow petitions for benefits to be amended to add new complaints of denials** as long as there is time for discovery and the case has not been mediated. This would eliminate many petitions for benefits, court dates, mediations, as well as attorney involvement and reduce number of cases the Judges of Compensation Claims has to hear. Obviously if several issues are heard at one time, it will save both time and money.

3. **When an employer/carrier fails to deny benefits for the injured worker in the 120 day period given by law**, unless there is clear and convincing evidence that some kind of fraud has been committed by the injured worker or some kind of clear and convincing evidence that the injured workers condition has improved enough for him/her to return to some kind of employment, **the employer/carrier should not be able to deny any medical or indemnity benefits.**

There is law on this but it is not often enforced. The State itself is contributing to the rising costs of Workers Compensation premiums.

3. Since the employer/carrier gives the injured workers a very limited list of medical service providers, **the employer/carrier should not be allowed to contest the treatment, medications, or therapies prescribed by the doctors** they require the injured worker to see.

4. **The employer/carrier should not be allowed to send an injured worker miles out of their way to a medical facility when there is a qualified workers compensation doctor much closer.** This would save on mileage reimbursement to those who can drive their own vehicles and much more on the costs it takes to transport injured workers because they cannot drive or do not have transportation.

The state is contributing to high Workers Compensation premiums by not enforcing the law.

5. **Requirements for the injured worker to resign as part of a settlement agreement should not be allowed** because it is against the law.

This law is not enforced.

6. **Carriers should not be allowed to send injured workers to any facilities or use any transportation companies that they may have an interest in financially.**

7. **The State should not consider making any changes or new laws for the Workers Compensation system**

until they are able to enforce the old ones. They have no idea how the present Workers Compensation System works until they enforce the law and it is futile to make new laws that most likely will not be enforced. You cannot fix a system until you know what is wrong with it and you cannot know what's wrong with it until you enforce the law.

8. **Adjusters, case managers or nurses should not be allowed to override a doctor's treatment plan.** They are not medical doctors and they often prolong the recovery time for an injured worker by making these denials. Many times they are not even in the same state as the injured workers and have not even had a discussion with the treating physician.

9. **Track carrier complaints.** There is overwhelming evidence at the Department of Insurance or the Division of Workers Compensation that carriers frequently disregard the law and do as they please. The evidence of this is the number of complaints they receive that are justifiable complaints. The number of complaints could be easily tracked and the carriers that violate the law would stand out easily if the carrier were flagged every time there was a complaint. When a reasonable number of legitimate complaints are flagged against a specific carrier, the carrier should be investigated. If found guilty of ignoring the law, the carrier should be penalized severely to deter this kind of practice.