



331904

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2010	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 84
and insert:

(b)1. For any workers' compensation claim filed under this section and chapter 440 occurring on or after July 1, 2010, a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) suffering from tuberculosis, heart disease, or hypertension is presumed not to have incurred such disease in the line of duty as provided in this section if the law enforcement officer, correctional officer, or correctional probation officer:



331904

13 a. Departed in a material fashion from the prescribed
14 course of treatment of his or her personal physician and the
15 departure is demonstrated to have resulted in a significant
16 aggravation of the tuberculosis, heart disease, or hypertension
17 resulting in disability or increasing the disability or need for
18 medical treatment; or

19 b. Was previously compensated pursuant to this section and
20 chapter 440 for tuberculosis, heart disease, or hypertension and
21 thereafter sustains and reports a new compensable workers'
22 compensation claim under this section and chapter 440, and the
23 law enforcement officer, correctional officer, or correctional
24 probation officer has departed in a material fashion from the
25 prescribed course of treatment of an authorized physician for
26 the preexisting workers' compensation claim and the departure is
27 demonstrated to have resulted in a significant aggravation of
28 the tuberculosis, heart disease, or hypertension resulting in
29 disability or increasing the disability or need for medical
30 treatment.

31 2. As used in this paragraph, "prescribed course of
32 treatment" means prescribed medical courses of action and
33 prescribed medicines for the specific disease or diseases
34 claimed and as documented in the prescribing physician's medical
35 records.

36 3. If there is a dispute as to the appropriateness of the
37 course of treatment prescribed by a physician under sub-
38 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
39 departure in a material fashion from the prescribed course of
40 treatment is demonstrated to have resulted in a significant
41 aggravation of the tuberculosis, heart disease, or hypertension



331904

42 resulting in disability or increasing the disability or need for
43 medical treatment, the law enforcement officer, correctional
44 officer, or correctional probation officer is entitled to seek
45 an independent medical examination pursuant to s. 440.13(5).

46 4. A law enforcement officer, correctional officer, or
47 correctional probation officer is not entitled to the
48 presumption provided in this section unless a claim for benefits
49 is made prior to leaving the employment of the employing agency.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete lines 9 - 11

54 and insert:

55 specified presumption for workers' compensation claims
56 made on or after a specified date; defining the term
57 "prescribed course of treatment"; providing for
58 independent medical examinations