

WORKERS' COMPENSATION OVERVIEW

**Presented by Gordon Foster
Insurance Specialist III**

**Florida Department of Financial Services
Division of Workers' Compensation
Bureau of Employee Assistance and
Ombudsman Office**

Robert Reilly, Bureau Chief



**FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES**



WHAT IS WORKERS' COMPENSATION?

- **Fl. Statute 440 - State regulated insurance program to cover on the job injuries**
- **No Fault concept**
- **Exclusive Remedy - Protects Employers**
- **Administered primarily by insurance companies**

FLORIDA'S LAW IS SELF-EXECUTING

**Timely
Benefits**

Injury

Return to Work



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

WHO MUST HAVE COVERAGE?



- **Non-Construction Employers - Four or more employees**
- **Construction Employers –One or more employees**
- **Agricultural Employers – Six or more regular employees; Twelve or more seasonal employees**



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES



EXEMPTIONS

- **Exemptions – Up to three corporate officers (construction) may elect to be exempt from WC coverage**
- **Corporate Officers – Considered employees but may elect to be exempt**
- **Sole Proprietor or Partners – Not considered employees but may elect to be covered**



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

REPORTING ACCIDENTS

- Employee must report accident when it happens - no later than 30 days
- Employer must report accident to carrier - complete First Report of Injury form and send to carrier within 7 days
- Employer must report death cases to DWC- 800-219-8953 within 24 hours



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

WHAT ARE THE BENEFITS?



- Medical Treatment
- Portion of Lost Wages
- Reemployment and Retraining

MEDICAL BENEFITS



- **Employer/Carrier responsible to provide medical treatment**
- **Medically Necessary Treatment**
- **Authorized Provider**
- **Prescriptions**
- **\$ 10 Co-pay following MMI**



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

WAGE REPLACEMENT BENEFITS



- Based on $2/3$ of earnings
- 7 day waiting period
- Temporary Total Benefits
- Temporary Partial Benefits
- Permanent Impairment Benefits
- Permanent Total Benefits
- Death Benefits



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

REEMPLOYMENT BENEFITS

- Goal is to return employee to work
- Department of Education, Bureau of Rehabilitation and Reemployment Services provides
 - Reemployment Services
 - Training
 - Education



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

WORKERS' COMPENSATION FRAUD



- Occurs when any person knowingly and with intent to injure, defraud, or deceivefiles false or misleading information
- Fraud is a 3rd degree felony that can result in fines, civil liability and jail time
- Anti-Fraud Reward Program –up to \$25,000 may be paid...

Call 1-800-378-0445



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

EMPLOYEE ASSISTANCE & OMBUDSMAN OFFICE EAOO



- Serves as a resource by providing information about the workers' compensation system
- Educates and informs about the responsibilities under the law
- Provides assistance in avoiding problems or resolving disputes



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

EAOO

EARLY INTERVENTION

PROGRAM



- **EAOO Specialists contact injured workers by phone and letter soon after accident**
- **Explain benefits, answer questions, discuss rights and responsibilities, assist in avoiding problems and resolving disputes**

CONTACT EA00

- Phone: **800-342-1741**
- Email: wceao@fldfs.com
- Internet: www.fldfs.com/wc/
- In Person: **11 offices**



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

DIVISION OF WORKERS' COMPENSATION WEBSITE

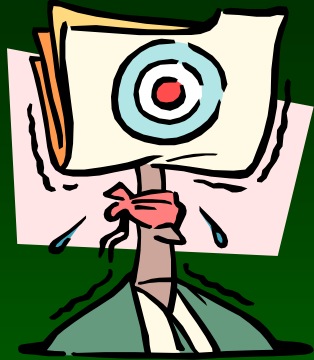
• www.fldfs.com/wc/



- **Breaking News - DWC e -Alert**
- **Databases**
- **Rules and Forms**
- **Frequent Questions**
- **Publications**
- **Related Links**



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES



FINAL EXAM

- An employee tells you that 5 weeks ago she hurt her knee on the job but didn't report it then because she hoped it would get better. Now she wants to go the doctor. What do you do?
- You ask your employee to stop at the printer on his way to work to pick up the agendas for today's meeting. On his way to the printer, but before he gets to work, he is injured in a car accident. Is he covered under workers' comp?



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

FINAL EXAM – CONT...

- You own a small restaurant with 4 employees, 2 of whom are part time. Do you have to carry workers' comp. insurance?
- You are an injured worker and receive a bill from the ER for the balance of the charges for your visit when you got hurt at work. The bill says that the insurance company has paid their share and you owe the rest. What should you do?



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

FINAL EXAM – CONT...

- You are the small restaurant owner whose employee injured himself on the job and will not be able to work for 3 months. Do you have to hold his job for him until he can return to work?
- You are an injured worker who got hurt 4 years ago and haven't been to the doctor in over a year. Your back has started hurting again. Can you go to the doctor now?



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

FINAL EXAM...CONT.

- You are a homeowner who needs to hire a roofer. Can you be held liable for workers' comp coverage for him if he gets hurt on your property and doesn't have his own coverage?
- How can you find out if your employer has workers' comp coverage?



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

FINAL EXAM... CONT.

- **Your neighbor hurt his back on the job and is off work receiving workers' comp checks, but he is building a deck on his house. Who would you contact to report this?**
- **You are an injured worker who is having difficulty in obtaining your workers' comp benefits from the insurance company. What should you do?**



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES

CONGRATULATIONS

*YOU HAVE SUCCESSFULLY
COMPLETED YOUR WORKERS'
COMPENSATION
OVERVIEW!*



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES