

BENEFITS AVAILABLE TO YOU UNDER THE FLORIDA WORKERS' COMPENSATION LAW

Under the Florida Workers' Compensation Law, there are **two types of benefits** available to individuals who have been injured in the course and scope of their employment: **indemnity (or money) benefits and medical benefits**. Unfortunately, the Florida Workers' Compensation Law does not provide any recovery for pain and suffering.

INDEMNITY BENEFITS

One of the terms you will hear in your workers' compensation case is **maximum medical improvement**. The statute defines maximum medical improvement as the point at which there is no reasonable expectation of further long-lasting improvement in your condition. This does not mean that you are no longer entitled to medical care or that you no longer need medical care. Rather, it is simply the point at which the doctor believes you have achieved your maximum recovery from your injury. This is an important point for determination of what type of money benefits are available to you.

Before maximum medical improvement:

TTD – temporary total disability benefits are benefits payable when you have not reached maximum medical improvement, but are not released to perform any type of work by the doctor. These benefits are paid at 66 2/3% of your average weekly wage ("AWW").

TPD – temporary partial disability benefits are benefits payable when you have not reached maximum medical improvement, but are released to work within certain restrictions and limitations assigned by your doctor. Your restrictions and limitations may keep you from performing your regular job, but not from performing all types of work. These benefits are paid based upon the following formula:

80% (80% of your AWW – any earnings)

You may receive a **maximum of 260 weeks** of these temporary benefits all total.

After maximum medical improvement **or** upon exhaustion of the 260 weeks of temporary disability benefits:

IB – impairment benefits are payable once the doctor placed you at maximum medical improvement and assigns a permanent impairment rating based upon the Florida Uniform Permanent Impairment Rating Schedule. This rating entitles you to a certain number of weeks of benefits based upon a graduated scale. For example, a 5% permanent impairment rating entitles you to payment of 10 weeks of impairment benefits. This impairment rating, however, does not determine your ability to return to work. Impairment benefits are paid at 75% of the TTD rate, but are reduced by 50% for each week in which you earn income equal to or greater than your AWW.

PTD – permanent total disability benefits are payable once you reach maximum medical improvement, but are unable to return to work. This may be because a doctor has not released you to return to any type of work or because there is not even any sedentary work within a 50 mile radius of your home which you are able to perform within your permanent restrictions and limitations considering your age, educational background, and work history. PTD benefits are paid at 66 2/3% of your AWW. Plus, you are entitled to permanent total supplemental benefits equal to 3% of your compensation rate multiplied by the number of years since your date of injury. In most cases, permanent total supplemental benefits stop at age 62. PTD benefits are paid until age 75 unless you were 70 years old or older when your accident occurred, in which case, PTD benefits are payable for 5 years. Workers' compensation may be entitled to reduce the amount of PTD benefits payable to you based upon your receipt of Social Security Disability, Long Term Disability, or other types of disability retirement benefits.

MEDICAL BENEFITS

The workers' compensation insurance company is also responsible for providing you with the medical care and treatment required by your injury. These medical benefits include the following:

DOCTOR VISITS – you are entitled to have a doctor authorized to treat your injury. You are also entitled to one change of doctor during the course of your claim. If the insurance company does not authorize a new doctor within 5 days of receiving your written request for a change of doctor, then you are able to select the doctor to become your new doctor.

DIAGNOSTIC TESTING – you are also entitled to the testing ordered by your authorized treating physician in order to properly diagnose and treat your injury. This may include testing necessary to determine if your symptoms are related to your accident. In order to secure such testing, your doctor must write a prescription for the testing.

MEDICATIONS AND ASSISTIVE DEVICES – you are also entitled to have the medications and assistive devices prescribed by your authorized treating physician paid for by workers' compensation. This may include prescriptions, over the counter medications, and assistive devices, such as canes, walkers, wheelchairs, and scooters. You must have a prescription in order for these items to be paid by workers' compensation.

ATTENDANT CARE – if you require assistance from someone else while you are recovering from your injury, the individual providing this assistance may be entitled to payment for their services from workers' compensation if the assistance is prescribed by your authorized treating physician. If you are scheduled to have surgery and will need assistance while you recuperate or if you find yourself in need of assistance because of your injury, ask your doctor about the type of assistance you may require and obtain a written prescription for this assistance.

MILEAGE OR TRANSPORTATION – you are also entitled to be paid for the mileage to and from your doctors' visits, the pharmacy, diagnostic testing, or therapy appointments. In order to be paid for this mileage, you must submit it in writing with the date of the visit the starting and ending points and accurate mileage. If your trip required you to pay tolls or for parking, please be sure to include this as well along with the documentation of what you paid. If you do not have transportation for your medical care, workers' compensation is responsible for providing this transportation. Please let us know if you need such transportation in advance of your scheduled appointments so that we can request this from the insurance company.

INDEPENDENT MEDICAL EXAMINATIONS – you are also entitled to an examination by a doctor of your choice when there is a dispute about your disability or need for medical care and treatment. However, you are responsible for the cost of this examination unless the examination results in the recovery of additional money or medical benefits for you. We will determine the appropriate time to schedule an independent medical examination as your claim progresses.