

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF TRANSPORTATION

|                   |  |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE:  |
| 14-22             | Contractors – Highway Qualification to Bid                               |
| RULE NOS.:        | RULE TITLES:   |
| 14-22.002         | Regulations Covering Qualification of Contractors                        |
| 14-22.0041        | Procedure for Qualification and Issuance of Certificate of Qualification |
| 14-22.005         | Period of Validity of Qualification                                      |
| 14-22.015         | Forms  |

#### NOTICE OF CHANGE

SUMMARY OF CHANGES: The following changes are in response to a review by the Joint Administrative Procedures Committee:

1. Paragraph 14-22.002(1)(h), F.A.C., is changed to delete the existing sentence of the section, keeping only the newly proposed sentence so that the section reads as follows:

“(h) The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete. In those instances when the Department requests additional information, the Department shall process the application within 30 days after timely receipt of the requested additional information or correction of errors or omissions.”

2. Subsection 14-22.0041(2), F.A.C., is changed to delete the entire (2)(a). Because of the deletion of (2)(a), the “(b)” subsection designation also is deleted so that the current (2)(b) is included in under (2) itself. The revised section reads as follows:

“(2) Certificate of Qualification. ~~(a) Within 30 days after receipt of a complete application for qualification, the Department shall examine the application and grant a Certificate of Qualification, or issue an intent to deny the application.~~ (b) The Certificate of Qualification shall state the applicant’s Maximum Capacity Rating, the class or classes of work approved for bidding, the applicants’s name for submitting bids and the expiration date of the qualification.”

3. Subsection 14-22.005(1), F.A.C., is changed to delete the second proposed sentence and inserting a new sentence relating to the definition of “good cause” so the section will read as follows:

“(1) The applicant’s period of qualification shall be 18 not exceed 16 months from the ending date represented by of the audited annual financial statements or audited interim financial statements included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Good cause shall mean as defined in Rule 14-22.0141, F.A.C. An applicant must submit a new application 30 days prior to the expiration of its ~~their~~ current Certificate of Qualification to ensure no interruption in its ~~their~~ qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department’s action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.”

4. Form 700-010-25 Contractor’s Past Performance Report, incorporated by reference under Rule 14-22.015, F.A.C., is changed as follows:

a. Page 2 of 7, Note 4., first line: Change “(4 points)” to “(6 points).”

b. Page 3 of 7, Note 8.: Change the last sentence as follows: “The Department’s will ~~standard weather letter should be used to document~~ communicate performance progress in categories # 1,4, and 8 on a monthly basis.”

c. Page 4 of 7, 1. Pursuit of The Work: Delete in its entirety, the last sentence, which relates to a discretionary decision by the Engineer.

Notice was published in Florida Administrative Weekly, Vol. 30 , No. 14, April 2, 2004, Pages 1353-1366.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF CORRECTIONS**

RULE NO.:

RULE TITLE:

33-602.201

Inmate Property

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, (February 27, 2004), and Vol. 30, No. 14, (April 2, 2004) issue of the Florida Administrative Weekly:

33-602.201 Inmate Property.

(1) through (17) No change.

**APPENDIX ONE  
PROPERTY LIST**

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as "exemptions", property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

**Definitions.**

The "quantity" establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established "quantity" shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a "value" indicated, the authorized item shall not exceed that value. The terms "canteen" and "state issue" refer to the sources from which property can be obtained after January 1, 1996. All items with the "canteen" designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. "State issue" means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

**Exemptions.**

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose

- Nail clippers larger than 2-1/2"

**AUTHORIZED PROPERTY LIST  
CLOTHING**

| Quantit | Unit | Value | Articles  |
|---------|------|-------|---|
| y       |      |       |   |
| 1       | each |       | Athletic Bra(canteen – female only)   |
| 1       | each |       | Belt (state issue)  |
| 4       | each |       | Bras (state issue or canteen – female only)   |
| 1       | each |       | Coat (state issue)  |
| 3       | each |       | Dresses (state issue – female only)   |
| 1       | pair |       | Gloves, work (state issue)  |
| 4       | each |       | Handkerchief, cotton, white only (canteen)  |
| 1       | each |       | Hats (state issue)  |
| 2       | pair |       | Pajamas-long (state issue or canteen)   |
|         |      |       | Light blue or white – female only   |
|         |      |       | Light blue – male   |
| 7       | each |       | Panties (state issue or canteen – female only)  |
| 3       | each |       | Pants (state issue)   |
| 1       | each |       | Raincoat or Poncho – clear (state issue or canteen)   |
| 1       | each |       | Robe (state issue – female only)  |
| 3       | each |       | Shirt, outer (state issue)  |
| 4       | each |       | Shirt, T-Shirt (state issue or canteen order – gray for female, white for male)*inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4. |
| 1       | pair |       | Shoes, Athletic (canteen)   |
| 1       | pair |       | Shoes, Work (state issue)   |
| 2       | each |       | Shorts, athletic (navy blue) (canteen)  |
| 1       | each |       | Shower cap, clear only (female only) (canteen)  |
| 1       | pair |       | Shower slides (canteen)   |
| 3       | each |       | Slips (state issue – female only)   |
| 6       | pair |       | Socks (state issue or canteen)  |
| 1       | each |       | Supporter, athletic (male only)(canteen)  |
| 2       | each |       | Sweatshirts (gray only) (canteen order)   |
| 4       | each |       | Undershorts (male only) (state issue or canteen)  |
| 2       | each |       | Underwear, thermal (state issue or canteen)   |

**PERSONAL ARTICLES**

| Quantit | Unit | Value | Articles  |
|---------|------|-------|---|
| y       |      |       |   |
| Number  |      |       | Batteries (canteen)                                   |
| in use  |      |       |   |
| 25      | each |       | Roller clips – plastic only (females only), (canteen) |

|   |         |   |    |       |   |
|---|---------|---|----|-------|---|
| * |         | Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.   | 1  | each  | Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)   |
| 1 | package | Breath tablets (canteen)  |    |       | Feminine hygiene products (internal and external) (female only) (state issue or canteen)  |
| 1 | each    | Calendar, as specified by Rule 33-501.401, F.A.C.   | 1  | box   | File Folders (*limited by storage space)  |
| * |         | Canteen purchases –* limited by approved storage space;   | *  |       | Hairbrush – nonmetal, handles for females only (canteen)  |
| 1 | Set     | Checkers (light wood or plastic, standard checkers only (canteen order)   | 1  | each  | Hairdressing (styling gel, pink oil, cholesterol, perm kit, <del>bleaching cream</del> – female only) (no aerosols) (canteen)   |
| 1 | set     | Chess (light wood or plastic, 2 inches max. height) (canteen order)   | 2  | each  | Hair net (female only) (canteen)  |
| 1 | each    | Coffee mug – plastic (canteen)  | 1  | each  | Hair rollers (female only) (canteen)  |
| 1 | each    | Comb-pocket type, no handles (non-metal) (state issue or canteen)   | 25 | each  | Handballs or racketballs (canteen)  |
| * |         | Correspondence – * limited by storage space limitations.  | 2  | each  | Headphones for use with radio (canteen)   |
| 1 | pack    | Cotton swabs (plastic or paper stems only) (canteen)  | 1  | each  | Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochlorida compounds (canteen - as approved by health services) |
| 2 | each    | Crème rinse and conditioner (canteen)   |    |       | Hearing aid (state issue or personal)   |
| 1 | each    | Cup, drinking – plastic (canteen)   |    |       | Hobby craft – at locations where program exists and subject to storage space limitations  |
| 1 | package | Dental floss, (floss loops only), unwaxed (canteen)   |    |       | Insect repellant (canteen)  |
| 1 | each    | Denture adhesive (state issue or canteen)   | 2  | each  | Jigsaw puzzle (canteen order)   |
| 1 | each    | Denture cup (canteen order)   | *  |       | Laundry bag (state issue)   |
| 2 | each    | Deodorant and antiperspirant (no aerosols) (canteen)  |    |       | Lighter, disposable (approved type) (canteen)   |
| 1 | set     | Domino (light wood or plastic, standard size) (canteen order)   | 1  | each  | Lip balm (canteen)  |
| 1 | pair    | Earphone pads (replacement) (canteen order)   | 1  | each  | Locks, combination (V68 series) (canteen)   |
| 1 | pair    | Ear rings, post type (female only) (canteen order)  | 1  | each  | Make-up bag, clear only (female only) (canteen)   |
| * |         | Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course.)  | 1  | each  | Mirror – plastic, non-breakable, 5 x 7" max. (canteen)  |
| 1 | pack    | Emery board – cardboard (canteen)   | 1  | each  | Moisturizer - no mineral oils, no Vaseline (canteen)  |
| 1 | pack    | Envelopes – legal and oversized (canteen)   | 1  | each  | Mouthwash (canteen)   |
| * | each    | Envelopes, self-addressed stamped – * the total in the inmate's possession shall not exceed the limit of 1 pack.  | 1  | each  | Nail clippers, not to exceed 2 1/2" (canteen)   |
| 2 | each    | Eyeglasses, case, contact lens and solutions (state issue or personal; "personal" means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated. | 2  | pack  | Notebook paper (canteen)  |
|   |         |   | 4  | each  | Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)   |
|   |         |   | *  |       | Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations  |
|   |         |   | 1  | each  | Photo album, non-metal (canteen)  |
|   |         |   | 50 | each  | Photographs (personal)  |
|   |         |   | 2  | decks | Playing cards (standard) (canteen)  |

|    |      |        |  |
|----|------|--------|--|
| 5  | Each |        | Pony tail holder (fabric) or hair claws (plastic) (female only)                                    |
| 1  | each |        | P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)  |
| *  |      |        | Prosthesis – * as approved by health services  |
| 1  | each | 50.00  | Radio, DC/AM/FM only, “Walkman” type, maximum 4 x 5" (canteen)                                     |
| 1  | each |        | Razor, disposable (state issue)  |
| 1  | each | 50.00  | Razor, battery operated, non-rechargeable (canteen order)  |
| *  |      |        | Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug) |
| 1  | Each | 50.00  | Religious medallion with chain (personal or provided by Chaplain)                                  |
| 1  | Each | 100.00 | Ring, engagement (personal, female only)   |
| 1  | Each | 100.00 | Ring, wedding (personal)   |
| 1  | each |        | Roller cap, clear only (female only) (canteen)   |
| 1  | set  |        | Scrabble (canteen order)   |
| 2  | each |        | Shampoo (canteen)  |
| 1  | each |        | Shaving cream (canteen)  |
| 1  | each |        | Shaving powder (canteen)   |
| 1  | pair |        | Shoe laces (canteen)   |
| 1  | each |        | Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)                                    |
| 2  | each |        | Soap, bath (state issue or canteen)  |
| 1  | each |        | Soap dish (canteen)  |
| 1  | each |        | Soap, laundry (female only) (canteen)  |
| *  |      |        | Special needs – * special devices as approved for compliance with medical needs                    |
| 1  | each |        | Spoon, plastic (canteen)   |
| 40 | each |        | Stamps (the equivalent of 40 1-ounce 1st class) (canteen)  |
| 1  | each |        | Sunglasses, no mirror type (canteen)   |
| 1  | each |        | Sunscreen lotion (canteen)   |
| 1  | each |        | Talcum powder (canteen)  |
| 1  | each |        | Toothbrush (state issue or canteen)  |
| 1  | each |        | Toothbrush holder (canteen)  |
| 2  | each |        | Toothpaste and Toothpaste with mouthwash (state issue or canteen)                                  |
| 2  | each |        | Towels (state issue)   |
| 1  | each |        | Wallet (canteen)   |
| 1  | each | 50.00  | Watch (personal or canteen)  |
| 1  | each |        | Watch band (nylon and Velcro only) (canteen)   |
| 2  | each |        | Washcloths (state issue or canteen)  |

**DEPARTMENT OF MANAGEMENT SERVICES****Division of Purchasing**

RULE NO.: 60A-1.007      RULE TITLE: Standards and Specifications

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES****Division of Purchasing**

RULE NO.: 60A-1.020      RULE TITLE: Purchasing Districts

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES****Division of Purchasing**

RULE NO.: 60A-1.062      RULE TITLE: Use of the Term “No Substitute”

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES****Division of Purchasing**

RULE NO.: 60A-1.072      RULE TITLE: Public Records and Openings; Temporary Exemptions; Trade Secrets

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES****Division of Purchasing**

RULE NO.: 60A-1.081      RULE TITLE: Installment Sale and Refinancing

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES****Division of Purchasing**

RULE NO.: 60A-1.082      RULE TITLE: Lease Cancellation Clause

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## DEPARTMENT OF HEALTH

### Division of Medical Quality Assurance

RULE NO.: 64B-4.003  
 RULE TITLE: Office Surgery: Registration Requirements, Fees

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 11, March 12, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(b) of Rule 64B-4.003, F.A.C., shall now read as follows:

(1)(b) Each office shall be registered in accordance with Rule 64B8-9.0091, F.A.C., Requirement for Physician Office Registration; Inspection or Accreditation for medical physicians or Rule 64B15-14.0076, F.A.C., Requirement for Osteopathic Physician Office Registration: Inspection or Accreditation for osteopathic physicians.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Crystal List, Program Operations Administrator, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Workers' Compensation

RULE NO.: 69L-7.602  
 RULE TITLE: Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 12, March 19, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed, and to address concerns raised by the Joint Administrative Procedures Committee.

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule Procedures for Non-Hospital Medical Services.

(1) Definitions. As used in this rule:

(a) "Accurately Complete" or "Accurately Completed" means the form submitted contains the information necessary to meet the requirements of Chapter 440, F.S. and this rule "Carrier is defined in Section 440.13(1)(e), Florida Statutes.

(b) "Agency" means the Agency for Health Care Administration as Division is defined in Section 440.02(3)(12), F.S. Florida Statutes.

(c) "Billing" means the process by which a health care provider submits a claim to an insurer to receive reimbursement for medical services provided to an injured employee "Emergency services and care" is defined in Section 395.002(9), Florida Statutes.

(d) "Catastrophic Event" means the occurrence of an event outside the control of an insurer or submitter, such as a natural disaster, an act of terrorism (including but not limited to cyber terrorism) or a telecommunications failure, in which recovery time will prevent an insurer or submitter from meeting the filing and reporting requirements of Chapter 440, F.S., and this rule "Physician" is defined in Section 440.13(1)(r), Florida Statutes.

(e) "Charges" means the dollar amount billed. "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under the supervision or direction of a physician and who has been certified by the division as a health care provider. The term "health care provider" includes a health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(f) "Charge Master" means a comprehensive coded list developed by a hospital or an ambulatory surgical center representing its usual charges for specific services "Health care facility" means any health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(g) "Claims-Handling Entity File Number" means the number assigned to the claim file by the insurer, service company or third party administrator for purposes of internal tracking.

(h) "Current Dental Terminology (CDT-4)" (CDT) means the American Dental Association's reference document containing descriptive terms to identify codes for billing and reporting dental procedures.

(i) "Date Insurer Paid" means the date the insurer, service company, third party administrator or submitter mails, transfers or electronically transmits payment to the health care provider.

(j) "Date Insurer Received" means the date that a Form DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or the electronic form equivalent is delivered to, and date stamped by, the insurer, service company, third party administrator or submitter from a provider.

(k) “Deny” means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer on a bill.

(l) “Division” means the Division of Workers’ Compensation as defined in Section 440.02(14), F.S.

(m) “Disallow” means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer for reimbursement, based on identification of a billing error, inappropriate utilization or over utilization, use of an incorrect billing form, only one line-item billed and the bill has an invalid code, or required information is missing or illegible.

(n) “Electronic Filing” means the computer exchange of medical data from a submitter to the division in the standardized format defined in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004.

(o) “Electronic Form Equivalent” means the format provided in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004, to be used when a submitter electronically transmits required data to the division. Electronic form equivalents do not include transmission by facsimile, data file(s) attached to electronic mail, or computer-generated paper-forms.

(p) “Electronically Filed with the Division” means the date an electronic filing has been received by the division and has successfully passed structural and data-quality edits.

(q) “Explanation of Bill Review” (EOBR) means the codes and written explanation of an insurer’s reimbursement decision sent to the health care provider.

(r) “Florida Workers’ Compensation Medical EDI Implementation Guide, 2004” is the Florida Division of Workers’ Compensation’s reference document containing the specific electronic formats and data elements required for insurer reporting of medical data to the division.

(s) “Healthcare Common Procedure Coding System National Level II Codes (HCPCS)” (HCPCS) means the Centers for Medicare and Medicaid Services’ (CMS) reference document listing descriptive codes for billing and reporting professional services, procedures, and supplies provided by health care providers.

(t) “Health Care Provider” is defined in Section 440.13(1)(h), F.S.

(u) “Hospital” means any health care institution licensed under Chapter 395, F.S.

(v) “ICD-9-CM International Classification of Diseases” (ICD-9) is the U.S. Department of Health and Human Services’ reference document listing the official diagnosis and inpatient-procedure code sets.

(w) “Insurer” is defined in Section 440.02(38), F.S.

(x) “Insurer Code Number” means the number the division assigns to each individual insurer, self-insured employer or self-insured fund.

(y) “Itemized Statement” means a detailed listing of hospital provided services and supplies, including the quantity and charges for each service or supply.

(z) “Medical Summary Report” means an Excel spreadsheet format that denotes an insurer, service company or third party administrator payment, adjustment and payment, disallowance or denial information.

(aa) “Medically Necessary” or “Medical Necessity” is defined in Section 440.13(1)(l), F.S.

(bb) “NDC number” means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, that identifies the drug product labeler/vendor, product, and trade package size.

(cc) “Paper-Form Filed with the Division” means the date a paper document is accurately completed, postmarked and mailed pre-paid to the Department of Financial Services as a required filing under this rule.

(dd) “Physician” is defined in Section 440.13(1)(q), F.S.

(ee) “Physician’s Current Procedural Terminology (CPT®)” (CPT) means the American Medical Association’s reference document (HCPCS Level I) containing descriptive terms to identify codes for billing and reporting medical procedures and services.

(ff) “Principal Physician” means the treating physician responsible for the oversight of medical care, treatment and attendance rendered to an injured employee, to include recommendation for appropriate consultations or referrals.

(gg) “Report” means any form related to medical services rendered, in relation to a workers’ compensation injury, that is required to be filed with the division under this rule.

(hh) “Service Company/Third Party Administrator (TPA)” means an entity which has contracted with an insurer for the purpose of providing all services necessary to adjust workers’ compensation claims on the insurer’s behalf.

(ii) “Service Company/Third Party Administrator (TPA) Code Number” means the number the division assigns to each third party administrator, claims administrator or servicing company.

(jj) “Submitter” means an insurer, service company or third party administrator (TPA), or any entity acting as an agent or vendor on behalf of an insurer, service company or third party administrator, to electronically transmit required medical data to the division.

(kk) “UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee, May 2004” (UB-92 manual) is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (HCFA-1450/UB-92).

(2) Forms for Medical Billing, Filing and Reporting Emergency Services and Care.

(a) Form DFS-F5-DWC-9 (CMS -1500 Health Insurance Claim Form, Rev. 12/90), Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form, Rev. 03/2004), Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2002), Form DFS-F5-DWC-25 (Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form, 03/2004) and Form DFS-F5-DWC-90 (HCFA-1450 Hospital Uniform Bill/UB-92, Effective 1992) and completion instructions for these forms are hereby incorporated by reference into this rule. In all cases in which a health care provider provides emergency services and care, the health care provider shall notify the carrier by the close of the third business day after providing such emergency services and care. If the emergency services and care results in admission of the employee to a health care facility, the health care provider shall notify the carrier of same within the 24 hours after initial treatment; or if the carrier is not open for business within that 24 hour period, then within the next 24 hour period of the time that the carrier is open for business.

1. A copy of the Form DFS-F5-DWC-9 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

2. A copy of the Form DFS-F5-DWC-10 and completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

3. A copy of the Form DFS-F5-DWC-11 can be obtained by contacting the American Dental Association. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

4. A copy of the Form DFS-F5-DWC-25 can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

5. A copy of the Form DFS-F5-DWC-90 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

(b) In lieu of submitting a Form DFS-F5-DWC-10, when billing for drugs or medical supplies, alternate billing forms are acceptable if The health care provider shall maintain or be able to generate a written record of the above communications, including:

1. An insurer has approved the alternate billing form(s) prior to submission by a health care provider, Date; and

2. The form provides all information required on the Form DFS-F5-DWC-10 – Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

3. Identity of person sending the communication; and Identity of person sending the communication; and

4. Identity of person or entity receiving the communication; and

5. The mode or method of communication; and

6. The substance of the communication.

(3) Materials Adopted for Reference. The following publications are incorporated by reference herein: Medical bills submitted under the Health Care Provider Reimbursement Schedule, the Ambulatory Surgical Center Reimbursement Schedule, or the Work Hardening or Pain Program Reimbursement Schedule, which schedules are contained within the manuals adopted by reference in Rules 69L-7.020, 69L-7.100 and 69L-7.900, F.A.C., respectively, shall comply with the requirements of this rule.

(a) UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. May 2004). A copy of this manual can be obtained from the Florida Hospital Association Responsibilities of Health Care Providers.

1. Form DWC 8, known as "Notification of Initial Treatment," shall be furnished by the physician, but not by other health care providers, to the carrier within three business days following the injured employee's first treatment. This notice, which may be furnished by facsimile transmission, shall contain the injured employee's identifying information, the date of first visit, preliminary diagnosis, and initial plan of treatment, the injured employee's work status and date of next appointment, the physician's name and DBPR identification number.

2. Providers of medical services shall submit to the carrier a properly completed bill, form DWC-9, known as "Health Insurance Claim Form," or form DWC-11, known as "Dental Health Claim Form," as follows:

a. Within 15 calendar days following the first treatment, accompanied by all medical notes, reports or records.

b. At least every 21 calendar days thereafter for follow up treatment.

c. Within 21 calendar days following the date of maximum medical improvement.

(b) The Florida Workers' Compensation Medical EDI Implementation Guide, 2004. The Florida Workers' Compensation Medical EDI Implementation Guide, 2004 can be obtained from the DFS/DWC web site: [http://www.fldfs.com/WC/edi\\_med.html](http://www.fldfs.com/WC/edi_med.html) Responsibilities of Carriers.

1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete medical services bill.

2. Carriers shall submit the billing form, DWC-9 or DWC-11, to the Division within 30 calendar days, after the bill has been paid. The filing of bills includes the filing of bills for "lost time" and "medical only" cases.

3. Carriers shall retain any attachment submitted with a DWC-9 or DWC-11, and shall not file any attachment with the Division unless specifically requested.

(c) The Healthcare Common Procedure Coding System National Level II Codes (HCPCS), Centers for Medicare and Medicaid Services, Copyright 2003, American Medical Association.

(d) The Physicians' Current Procedural Terminology (CPT®), Copyright 2003, American Medical Association.

(e) The Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association.

(f) The ICD-9-CM International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2003, American Medical Association.

(g) The American Medical Association's Guide to the Evaluation of Permanent Impairment, 3rd Edition, (AMA Guide) (Copyright 1988 by the American Medical Association), as incorporated in Rule 69L-7.604, F.A.C.

(h) The Minnesota Department of Labor and Industry Disability Schedule, as incorporated in Rule 69L-7.604, F.A.C.

(i) The Florida Impairment Rating Guide, as incorporated in Rule 69L-7.604, F.A.C.

(j) The 1996 Florida Uniform Permanent Impairment Rating Schedule, as incorporated in Rule 69L-7.604, F.A.C.

(4) Health Care Provider Responsibilities Pharmacy and Medical Supplier Bills.

(a) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of the injured employee's medical treatment /status. Any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25. Responsibilities of Pharmacists and Medical Suppliers.

1. The Form DFS-F5-DWC-25 does not replace physician notes, medical records or division-required medical billing reports. All pharmacists and medical suppliers who furnish drugs or other medical supplies to an injured worker under the provisions of Chapter 440, Florida Statutes, shall bill the carrier on form DWC 10, known as "Statement of Charges for Drugs and Medical Supplies," or on the pharmacist/medical suppliers' usual billing form. Pharmacist/medical suppliers' usual billing form shall contain all the information required on the DWC 10 and shall not be used for billing purposes until approved by the Division.

a. Required information for pharmacists and medical suppliers includes:

- i. The employer's name and address; and
- ii. The injured employee's name and social security number; and
- iii. The date of accident; and
- iv. The carrier's name and address if the employer is not self-insured; and
- v. The carrier's case file number, if known; and
- vi. The name and address of the pharmacy or other supplier; and
- vii. The date of the billing; and

viii. The total charges of billing form; and

ix. The identity of the pharmacist or medical supplier.

b. Required information for pharmacists billing for prescribed drugs includes: dispensing date, new or refill, prescription number, medication name and strength, National Drug Control (NDC) number, quantity dispensed, number of days supplied, reason for use of non-generic drug when applicable, prescribing physician's name and DBPR license number, and usual charge for each medication billed.

e. Required information for pharmacists or medical suppliers billing for medical supplies includes: description of the product or supply, quantity, name(s) of prescribing physician(s) and DBPR license number(s), purchase date and usual charge for each item billed.

2. All information submitted on physician notes, medical records or division-required medical billing reports must be consistent with information documented on the Form DFS-F5-DWC-25. Pharmacists and medical suppliers shall use the applicable Florida Workers' Compensation Reimbursement Manual for instructions in the completion of the pharmacy and medical supply bills.

3. Pharmacists and medical suppliers shall submit a bill within 30 calendar days of the date the service was provided.

(b) Special Billing Requirements Responsibilities of Carriers.

1. When anesthesia services are billed on a Form DFS-F5-DWC-9, completion of the form must include the CPT code and the "P" code (physical status modifier), which correspond with the procedure performed, in Field 24D. Anesthesia health care providers shall enter the date of service and the 5-digit qualifying circumstance code, which correspond with the procedure performed, in Field 24D on the next line, if applicable. Carriers shall accept, date stamp upon receipt and within 30 calendar days of receipt pay or deny a legible and complete pharmacy or medical supplier bill.

2. When an Advanced Registered Nurse Practitioner (ARNP) provides services as a Certified Registered Nurse Anesthetist, he/she shall bill on a Form DFS-F5-DWC-9 for the services rendered and enter his/her Florida Department of Health license number in Field 33, regardless of the employment arrangement under which the services were rendered, or the party submitting the bill. Carriers shall submit the DWC-10 or other billing form or invoice containing the required information in their case file to the Division within 30 calendar days after the bill has been paid.

3. When a licensed physician or licensed non-physician healthcare provider, including physician assistant or ARNP (not providing an anesthesia-related service) renders direct billable services for which reimbursement is sought from an insurer, he/she shall enter his/her Florida Department of Health license number in Field 33 on the Form DFS-F5-DWC-9, regardless of the employment arrangement under which the services were rendered or the party submitting the bill.



4. For hospital billing, the following special requirements apply:

a. Inpatient billing – Hospitals shall, in addition to filing a Form DFS-F5-DWC-90, attach an itemized statement with charges based on the facility's Charge Master.

b. Outpatient billing:

I. Hospitals shall enter the CPT, HCPCS, or unique workers' compensation code (provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004), in Locator 44 on the Form DFS-F5-DWC-90, to bill treatments.

II. Hospitals shall enter the date of service on Form DFS-F5-DWC-90, in Locator 45, for outpatient billing.

III. Hospitals shall bill supplies by filing a Form DFS-F5-DWC-90 and attaching an itemized statement with charges based on a facility's Charge Master if there is no line item detail shown on the Form DFS-F5-DWC-90.

5. Licensed physician assistants and certified first nurse assistants who provide surgical assistance on procedures with codes permitting an assistant surgeon-physician shall bill on a Form DFS-F5-DWC-9 entering the CPT code(s) plus modifier(s), which represent the service(s) rendered, in Field 24D, and must enter their Florida Department of Health license number in Field 33.

6. Ambulatory Surgical Centers (ASCs) shall bill on a Form DFS-F5-DWC-9.

7. Federal Facilities shall bill on their usual form.

8. Dental Services.

a. Dentists shall bill for services on a Form DFS-F5-DWC-11.

b. Oral surgeons shall bill for oral and maxillofacial surgical services on a Form DFS-F5-DWC-9. Non-surgical dental services shall be billed on a Form DFS-F5-DWC-11.

9. Pharmaceutical and Medical Supplies.

a. Pharmacists and medical suppliers shall bill on a Form DFS-F5-DWC-10 or on an insurer pre-approved alternate form. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

b. Pharmacists shall complete Field 9, on a Form DFS-F5-DWC-10, by entering the word "COMPOUND" when medicinal drugs are compounded and the formulation prescribed is not commercially available.

c. Dispensing physicians shall bill on a Form DFS-F5-DWC-9 when supplying commercially available medicinal drugs (commonly known as legend or prescription drugs) and shall enter the NDC number in Field 24D. When administering or supplying injectable drugs the physician shall bill on a Form DFS-F5-DWC-9 and enter the appropriate HCPCS "J" code in Field 24D.

d. Dispensing physicians shall complete Field 24D, on a Form DFS-F5-DWC-9, by entering the unique workers' compensation code 96371 when medicinal drugs are compounded and the formulation prescribed is not commercially available.

e. Dispensing physicians shall bill by entering code 99070 in Field 24D, on a Form DFS-F5-DWC-9, when supplying over-the-counter drugs and shall submit an invoice indicating the name, dosage, package size and cost of the drug.

f. Physicians and other licensed health care providers providing medical supplies shall bill on a Form DFS-F5-DWC-9 and attach an invoice indicating the cost of the supply, including shipping and handling and taxes, when applicable.

10. Health care providers rendering health care services reimbursable under workers' compensation, whose billing requirements are not otherwise specified in this rule, shall bill on their invoice or business letterhead.

(c) Bill Completion.

1. Bills shall be legibly and accurately completed by all health care providers, regardless of location or reimbursement methodology, as set forth in this paragraph.

2. Billing elements required by the division to be completed by a health care provider are as follows:

a. Physician and Non-Physician/Certified Provider Billing – Form DFS-F5-DWC-9.

(I) Field 1a Injured employee's Social Security Number or division-assigned number (obtained from the Insurer).

(II) Field 2 Injured employee's name: Last, First, Middle initial, if applicable.

(III) Field 14 Date of current accident, illness or injury.

(IV) Field 16 Dates injured employee is unable to work, as applicable.

(V) Field 21(1) Diagnosis of primary injury or illness (Include decimal in ICD-9 code, as applicable).

(VI) Field 21 (2-4) Additional diagnoses (Include decimal in ICD-9 code, as applicable).

(VII) Field 24A Date(s) of service: 'From' and 'To' date. Multiple dates of service are billable on a single line only if the dates are consecutive. If there is a single date of service, enter the same date in both 'From' and 'To' fields.

(VIII) Field 24B Place of service (as listed in the CPT manual).

(IX) Field 24D Procedure, service or supply code (CPT, CDT-4, HCPCS, NDC or unique workers' compensation code plus modifier, as required for reimbursement).

(X) Field 24E Diagnosis code reference numbers: '1', '2', '3', '4' refer to corresponding diagnoses listed in Field 21 (1, 2, 3, 4).

(XI) Field 24F Total dollar charges for units billed per line.

(XII) Field 24G Number of days, hours, units, or quantity of drug or supply must be entered in whole numbers. Total length of anesthesia service time must be entered in minutes.

(XIII) Field 25 Federal tax identification number.

(XIV) Field 32 Zip code where services were rendered.

(XV) Field 33(PIN#) License number of the health care provider rendering direct billable service(s): Providers shall enter their Florida Department of Health provider license, out of state license or other facility number as assigned by the professional regulatory board, licensing authority or state regulatory agency.

(A) Work Hardening/Pain Programs enter "WC" for required alpha characters (i.e. WC#####).

(B) Ambulatory Surgical Centers enter "ASC" for required alpha characters (i.e. ASC###or ASC#####).

(C) Independent Laboratories enter "IL" for required alpha characters (i.e. IL8000#####, IL80000##### or IL800000#####).

(D) Advanced Registered Nurse Practitioners enter "ARNP" for required alpha characters (i.e. ARNP##### or ARNP##### or ARNP#####).

(E) Radiology or Other Facilities (providing only the technical component) enter "XX" for required alpha characters and 9999999999 for required numeric characters (i.e. XX9999999999).

b. Pharmaceutical/Medical Supplier Billing – Form DFS-F5-DWC-10.

(I) Form DFS-F5-DWC-10 Section 1 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 1 Injured employee's name: Last, First, Middle Initial, if applicable.

(B) Field 2 Injured employee's Social Security Number or division-assigned number (obtained from the insurer).

(C) Field 3 Date of current accident, injury or illness in MM/DD/CCYY format.

(II) Form DFS-F5-DWC-10 Section 2 – Fields required to be completed by pharmacy providers only:

(A) Field 6 Medication/drug name and strength.

(B) Field 7 Number of tablets, capsules, suppositories, milliliters of liquid, grams of ointment or units of injectable medication.

(C) Field 8 Estimated number of days that medication will last according to prescription dosage and administration instructions.

(D) Field 9 National Drug Code number; manufacturer number, item number, package number; enter "COMPOUND" if a compounded drug is dispensed.

(E) Field 10 Pharmacy's internal number assigned to the prescription.

(F) Field 15 Pharmacy's usual charges for the drug. When field 13 is coded, enter the usual charges for the generic equivalent.

(III) Form DFS-F5-DWC-10 Section 3 – Fields required to be completed by Medical Supplier or Pharmacy providing medical supplies:

(A) Field 16 Description or name of item supplied: quantity and size, when applicable.

(B) Field 17 Prescriber's license number assigned by the professional regulatory board or licensing authority.

(C) Field 18 Purchase date in MM/DD/CCYY format.

(D) Field 19 Medical supplier's usual charge for item(s) supplied.

(IV) Form DFS-F5-DWC-10 Section 4 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 20 Total dollar charges appearing on this statement.

(B) Field 22 Date pharmacy or medical supplier submits statement to insurer for payment in MM/DD/CCYY format.

(C) Field 23 Pharmacist's license number assigned by professional regulatory board or licensing authority.

(D) Field 24 Pharmacy's or medical supplier's federal employer identification number.

c. Dental Billing – Form DFS-F5-DWC-11.

(I) Field 20 Injured employee's name: Last, First, Middle initial, if applicable.

(II) Field 8 Injured employee's Social Security Number or division-assigned number (obtained from the insurer).

(III) Field 51 Federal tax identification number.

(IV) Field 55 Dentist's Florida Department of Health license number (i.e. DN##### or DN#####).

(V) Field 38 Place of treatment (check appropriate box):

(A) Office.

(B) Hospital.

(C) Extended Care Facility.

(D) Other.

(VI) Field 56 Address where services were rendered, including zip code.

(VII) Field 46 Date of current accident, injury or illness.

(VIII) Field 24 Date treatment/service performed.

(IX) Field 29 'Procedure Code' Procedure, service or supply code (CPT, CDT-4 or HCPCS 'D' code).

(X) Field 31 Total dollar charges per line item.

d. Hospital Billing – Form DFS-F5-DWC-90 (Hospitals are to use the UB-92 manual for billing guidelines).

(I) Locator 1 Hospital's location zip code.

(II) Locator 4 Type of bill.

(III) Locator 5 Federal tax identification number.

(IV) Locator 6 Date statement covers period from/through.

(V) Locator 12 Injured employee's name: Last, First, Middle initial, if applicable.

(VI) Locator 17 Admission date.

(VII) Locator 18 Admission hour.

(VIII) Locator 19 Type of Admission/Visit.

(IX) Locator 21 Discharge hour, if applicable.

(X) Locator 32 Date of accident, injury or illness.

(XI) Locator 38 Insurer name, address and location zip code.

(XII) Locator 42 Revenue code.

(XIII) Locator 44 CPT, HCPCS or unique workers' compensation code and modifier(s), as required for reimbursement.

(XIV) Locator 45 Date of Service, required for outpatient billing.

(XV) Locator 46 Number of service units.

(XVI) Locator 47 Total dollar charges billed by revenue code.

(XVII) Locator 60A Injured employee's Social Security Number or division-assigned number (obtained from the insurer).

(XVIII) Locator 67 Principal diagnosis code (ICD-9 code).

(XIX) Locators 68-75 Other diagnosis codes (ICD-9 codes), as applicable.

(XX) Locator 80 Principal procedure code, as applicable.

(XXI) Locator 81(A, B, C, D, E) Other procedure codes, as applicable.

(XXII) Locator 82 Attending physician's Florida Department of Health license number.

3. An insurer can require a health care provider to complete additional data elements that are not required by the division on Forms DFS-F5-DWC-9 or DFS-F5-DWC-11.

(d) Provider Bill Submission/Filing and Reporting Requirements.

1. All medical claim form(s) or bill(s) related to services rendered for a compensable injury shall be submitted by a health care provider to the insurer as a requirement for billing.

2. Medical claim form(s) or bill(s) may be electronically filed by a health care provider to the insurer provided the insurer agrees.

3. Medical claim form(s) or bill(s) shall be filed with an insurer according to the following requirements:

a. Health Care Providers (excluding hospitals):

Within 30 calendar days of initial or additional service or treatment and accompanied by required documentation that supports medical necessity. This requirement includes Pharmacies, Medical Suppliers, and Ambulatory Surgical Centers.

b. Hospitals:

(I) Within 30 calendar days following emergency room or initial outpatient treatment.

(II) Within 30 calendar days of an injured employee's discharge from an in-patient hospital stay or follow-up outpatient treatment.

(5) Insurer Responsibilities Other Health Care Treatment Bills.

(a) An insurer is responsible for meeting its obligations under this rule regardless of any business arrangements with any entity under which claims are adjusted, processed or submitted to the division Responsibilities of Nursing Homes and Home Health Agencies.

1. Nursing homes and home health agencies shall submit to the carrier a properly completed bill on their usual billing form. This form shall contain the injured employee's name, social security number, and date of accident and be sent as follows:

a. Within 45 calendar days after admission or the first service is provided; and

b. At least every 30 calendar days thereafter until such time as the injured employee is discharged; and

e. Within 21 calendar days of final service.

2. Home health agencies shall submit documentation of each visit billed with their usual billing form.

(b) At the time of authorization for medical service(s), an insurer shall notify a health care provider of additional requirements that are necessary for reimbursement in excess of the requirements set forth in this rule Responsibilities of Other Authorized Health Care Providers or Facilities.

1. Other authorized health care providers or facilities shall submit to the carrier a properly completed bill on their usual billing form. This billing form shall contain the injured employee's name, social security number and date of accident and must be sent as follows:

a. Within 15 calendar days following the first treatment or admission.

b. At time intervals designated by the carrier for follow-up treatment.

e. Within 21 calendar days following the final treatment.

2. Federal Facilities. Federal facilities are exempt from all billing guidelines and shall submit their charges for services rendered on their usual billing form.

(c) At the time of authorization for medical service(s) an insurer shall inform an out-of-state health care provider of the specific billing and submission requirements of this rule. Responsibilities of Carriers.

1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete bill.

2. Carriers shall retain all bills in the category of "other health care treatment bills" and shall not file them with the Division unless specifically requested.

(d) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of injured employee's medical treatment /status and any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25.

(e) Required data elements on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, and DFS-F5-DWC-90, for both medical only and lost-time cases, shall be filed with the division within 45 calendar days of insurer payment, adjustment and payment, disallowance or denial. This 45 calendar day requirement includes initial submission and correction and re-submission of all errors identified in the "Medical Claim Processing Report", as defined in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004.

(f) An insurer shall be responsible for accurately completing required data filed with the division, pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 and sub-paragraph (4)(c)2. of this rule.

(g) When an injured employee does not have a Social Security Number or division-assigned number, the insurer must contact the division via information provided on the following website: <http://www.fldfs.com/WC/organization/odqc.html> (under Records Management) to obtain a division-assigned number prior to submitting the report to the division.

(h) An insurer shall attach an accurately completed cover sheet, as required in (6)(f)4. of this rule, to each paper-form batch submitted to the division.

(i) An insurer must report to the division the procedure, diagnosis or modifier code(s) or amount(s) charged, as billed by the health care provider.

(j) An insurer shall date stamp Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or date stamp the electronic form equivalent with the date insurer received.

(k) An insurer shall return any bills to the provider, with a written explanation, when: services are billed on an incorrect billing form; an invalid code is used and is the only line-item billed; or required information is illegible or not provided.

(l) An insurer shall pay, adjust and pay, disallow or deny billed charges within 45 calendar days from the date insurer received, pursuant to Section 440.20(2)(b), F.S.

(m) An insurer, when reporting paid medical claims data to the division, shall report the actual dollar amount paid to the health care provider or reimbursed to the employee. On disallowed or denied charges, the dollar amount paid should be reported as \$0.00.

(n) An insurer, filing electronically, shall submit to the division the Explanation of Bill Review (EOBR) code(s), relating to the adjudication of each line item billed and:

1. Maintain the EOBR in a format that can be legibly reproduced, and

2. Use the EOBR codes and descriptors as follows:

a. 01 Services not authorized, as required.

b. 02 Services denied as not related to the compensable work injury.

c. 03 Services related to a denied work injury: Form DFS-F2-DWC-12 on file with the division.

d. 04 Services billed are listed as not covered or non-covered ("NC") in the applicable reimbursement manual.

e. 05 Documentation does not support the level, intensity or duration of service(s) billed. (Insurer must specify to the provider.)

f. 06 Location of service(s) is not consistent with the level of service(s) billed.

g. 07 Reimbursement equals the amount billed.

h. 08 Reimbursement is based on the applicable reimbursement schedule.

i. 09 Reimbursement is based on the contracted amount.

j. 10 Reimbursement is based on charges exceeding the stop-loss point.

k. 11 Reimbursement is based on insurer re-coding. (Insurer must specify to the provider.)

l. 12 Charge(s) are included in the per diem reimbursement.

m. 13 Reimbursement is included in the allowance of another service. (Insurer must specify procedure to the provider.)

n. 14 Hospital itemized statement not submitted with billing form.

o. 15 Invalid procedure code. (Use when other valid procedure codes are present.)

p. 16 Documentation does not support that services rendered were medically necessary.

q. 17 Required supplemental documentation not filed with the bill. (Insurer must specify required documentation to the provider.)

r. 18 Duplicate Billing: Service previously paid, adjusted and paid, disallowed or denied on prior claim form or multiple billing of service(s) billed on same date of service.

s. 19 Required DFS-F5-DWC-25 form not submitted within three business days of the first treatment pursuant to Section 440.13(4)(a), F.S.

t. 20 Other: Unique EOBR code description. Use of EOBR code "20" is restricted to circumstances when a listed EOBR code does not explain the reason for adjustment, disallowance or denial of payment. When using EOBR code "20", an insurer must include the specific explanation of the code and maintain a standardized EOBR code description list.

(o) An insurer shall make available to the division and to the Agency, upon request and without charge, a legibly reproduced copy of Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-25, DFS-F5-DWC-90, supplemental documentation, proof of payment, EOBR and/or standardized EOBR code "20" description list.

(p) An insurer shall submit to the health care provider an Explanation of Bill Review, utilizing the EOBR codes listed above, including the insurer name and specific insurer contact information.

(6) Insurer Medical Report (Electronic Format, Paper-form, or Excel Spreadsheet format) Filing To The Division Bills Prepared by Billing Services.

(a) Effective March 16, 2005, all required medical reports shall be electronically filed with the division by all insurers. In meeting this requirement an insurer shall comply with the following implementation schedule, as applicable: Responsibilities of the Authorized Health Care Provider. Any health care provider using a billing service shall comply with all applicable sections of this rule.

1. Submitters who are electronically filing any medical reports with the division, as of the effective date of this rule, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 according to the following schedule:

a. August 2 through September 15, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with the letters A through E and that are submitting for multiple insurers, service companies or third party administrators.

b. September 16 through October 29, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with the letters F through Z and that are submitting for multiple insurers, service companies or third party administrators.

2. Submitters who are not electronically filing any medical reports with the division, as of November 1, 2004, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 according to the following schedule:

a. November 1 through December 15, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with A through H – and that are submitting for multiple insurers, service companies or third party administrators.

b. December 16, 2004 through January 31, 2005, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with I through Q and that are submitting for multiple insurers, service companies or third party administrators.

c. February 1 through March 15, 2005, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with R through Z and that are submitting for multiple insurers, service companies or third party administrators.

(b) Special Conversion to Electronic Reporting Responsibilities of the Billing Service. The form used for billing completed by the billing service shall comply with all applicable sections of this rule.

1. Submitters who have implemented electronic filing of any medical reports with the division within 120 calendar days prior to the effective date of this rule, shall be scheduled for the test transmission to production transmission processes, for all electronic form equivalents, to comply with requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004, beginning February 1 through March 15, 2005.

2. The Division will, resources permitting, allow submitters, that volunteer to complete the test transmission to production transmission processes earlier than the schedule denoted above. Each voluntary submitter shall have six weeks to complete test transmission to production transmission processes, for all electronic form equivalents, that comply with requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004.

(c) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004. Responsibilities of Carriers.

1. Carriers shall accept, date stamp on the document front side upon receipt, and pay or deny a legible and complete bill in accordance with all applicable sections of this rule.

2. Carriers shall retain the billing form or submit to the Division in accordance with all applicable sections of this rule.

(d) The division will notify the insurer on the "Medical Claim Processing Report" of the corrections necessary for rejected medical reports to be electronically re-filed with the division. An insurer shall correct and re-file all rejected medical claim reports to meet the filing requirements of paragraph (5)(e) of this rule.

(e) Submitters who experience a catastrophic event resulting in the insurer's failure to meet the reporting requirements in paragraph (5)(e) of this rule, shall submit a written request within 3 business days of the catastrophic failure to the division for approval to submit paper forms in order to meet division-reporting requirements. The submission

of paper forms due to a catastrophic failure shall not exceed 30 calendar days. Approval must be obtained from the Division's Office of Data Quality and Collection, 200 E. Gaines Street, Tallahassee, Florida 32399-4226. Approval to submit paper forms shall be granted if a catastrophic event beyond the control of the submitter prevents electronic submission.

(f) Until March 16, 2005 required medical reports may be paper-form filed with the division by an insurer, service company or third party administrator as follows:

1. The insurer code number and service company/third party administrator code number (if applicable) accurately and legibly entered in the upper-right corner on the form.

2. The date insurer paid legibly stamped on the front of the form. Payments of \$0.00 are valid amounts on disallowed or denied charges.

3. The required data elements as set forth in record layout sections of the Florida Workers' Compensation Medical EDI Implementation Guide, 2004. An insurer shall submit to the division the listed information, legibly entered on the paper-form, as follows:

a. Form DFS-F5-DWC-9.

b. "Procedure, Service or Supply Code" (as paid by the insurer, if different from billed code) – entered in Field 24D<sub>1</sub> without obscuring the billed code;

c. "Procedure, Service or Supply Code Modifier" (as paid by the insurer, if different from billed modifier) – entered in Field 24D<sub>2</sub> without obscuring the billed modifier;

III. "Insurer Payment per Line" entered in Field 24K.

IV. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

b. Form DFS-F5-DWC-10.

c. "Insurer Payment per Line" – written above the 'Usual Charge' in Field 15 or 19, respectively;

II. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

c. Form DFS-F5-DWC-11.

I. "Insurer Payment per Line" – entered in Field 30 following description;

II. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

d. Form DFS-F5-DWC-90.

I. "HCPCS/RATES" code (as paid by the insurer, if different from billed code). Enter the reimbursed code above the billed code;

II. "HCPCS/RATES" code modifier (as paid by the insurer, if different from billed modifier). Enter the reimbursed modifier above the billed modifier;

III. "Insurer Payment per Line" entered in Locator 49;

IV. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

4. In order to facilitate the division's responsibility to determine the timeliness of health care provider reimbursement and submission of medical reports to the division, reports submitted in paper-form must be submitted in batches and each batch must be accompanied with a cover sheet and the following requirements:

a. Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11 or DFS-F5-DWC-90 forms shall be separated by form type into 100-count batches prior to submitting to the division. Insurers processing less than 100 forms in 30 calendar days shall separate by form type category and submit batches of less than 100.

b. Within each submitted paper-form batch, the insurer shall separate and band into groups, medical reports as being untimely paid to a provider or untimely reported to the division pursuant to Section 440.20(6)(b), F.S. and paragraph (5)(e) of this rule, respectively.

c. Every submitted paper-form batch shall be accompanied by a cover sheet providing the following information:

I. The title shall read "Medical Paper-Form Submission Cover Sheet".

II. The date the batch was submitted to the division shall be specified.

III. The insurer name, address including zip code of the medical claim office submitting the batch, insurer code number and service company or third party administrator code number shall be specified.

IV. The insurer contact name, telephone number and email address shall be specified.

V. The form type (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90) shall be specified.

VI. The total number of medical reports in each batch submitted to the division shall be specified.

VII. The total number of medical reports filed with the division more than 45 calendar days after insurer payment, adjustment and payment, disallowance or denial shall be specified.

VIII. The total number of medical reports reflecting medical bills that were paid to the provider more than 45 calendar days from the date insurer received.

d. Every paper batch which is not accompanied by an accurately completed cover sheet or is not in compliance with sub-subparagraph (6)(f)4.a. of this rule, will be returned to the insurer, service company or third party administrator, and considered not in compliance with paragraph (5)(e) of this rule, until re-filed with an accurately completed cover sheet or correctly batched.

5. All required medical reports (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90) shall be submitted to the division at:

Department of Financial Services  
Division of Workers' Compensation  
Office of Data Quality and Collection  
Medical Data Management Section  
200 East Gaines Street  
Tallahassee, FL 32399-4226.

(g) As an alternative to submitting paper-form batches, as described in paragraph (6)(f) of this rule, medical data that would otherwise be provided on paper, between the effective date of this rule and each submitter's deadline for electronic submission according to the schedule in paragraph (6)(a) of this rule, may be filed in electronic format to the division in a Medical Summary Report to meet the requirements of this rule. A request to submit medical data in this format shall be sent to [ssmedrequest@dfs.state.fl.us](mailto:ssmedrequest@dfs.state.fl.us). Upon receiving written approval from the division via e-mail, each electronic Medical Summary Report shall be filed by a submitter as follows:

1. No later than 15 calendar days following the end of each calendar month, an insurer, service company, or third party administrator shall submit four division-approved electronic Excel spreadsheets: one Excel spreadsheet for each of the four medical form-types (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90).

2. Each Excel spreadsheet must contain the following data elements:

a. Form Type (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90).

b. Calendar Month/Year of medical data processed by the insurer submitted to the division, (i.e. 01/01/2004 through 01/31/2004).

c. Name of Insurer, Service Company, or Third Party Administrator submitting the monthly division-approved electronic Excel spreadsheet.

d. Insurer code number, Service Company/Third Party Administrator code number submitting the monthly division-approved electronic Excel spreadsheet.

e. Contact Name, address, including zip code, telephone number and e-mail address of the Insurer, Service Company, or Third Party Administrator.

f. Total number of bills that were paid, adjusted and paid, disallowed or denied for the calendar month reported.

g. Total number of bills reported in f. above, that were paid, adjusted and paid, disallowed or denied more than 45 calendar days after the date insurer received the bill from the provider.

h. For each of the bills that were paid, adjusted and paid, disallowed or denied more than 45 calendar days after the date insurer received the bill from provider, the following additional data elements shall be provided on the division-approved electronic Excel spreadsheet:

(I) Injured Employee Last Name

(II) Injured Employee First Name

(III) Injured Employee SSN

(IV) Claims Handling Entity File Number

(V) Date of Accident

(VI) Date Insurer Received Bill from Provider

(VII) Date Insurer Paid, Adjusted and Paid, Disallowed, or Denied the Bill

(VIII) Total Dollar Amount Paid by Insurer. If disallowed or denied, \$0.00 is to be reported.

(IX) Provider License, Pharmacist or Other Facility number as assigned by the professional regulatory board, licensing authority or state regulatory agency, whichever is applicable depending on form-type that is submitted.

i. Each Insurer, Service Company, or Third Party Administrator approved to submit the electronic Medical Summary Report, shall submit the division-approved electronic Excel spreadsheets within the required time frame under subparagraph (6)(g)1. of this rule to [ssmedformat@dfs.state.fl.us](mailto:ssmedformat@dfs.state.fl.us).

(7) Insurer Administrative Penalties and Administrative Fines Co-Payments. Except for emergency services and care, after the injured employee has reached overall maximum medical improvement, the injured employee is obligated to pay a co-payment of \$10 per visit for medical services. The co-payment is not in addition to any applicable maximum reimbursement allowance, but displaces or offsets \$10 from the reimbursement amount otherwise reimbursed by the carrier.

(a) Insurer administrative penalties for untimely provider-payment or disposition of medical bills. The department shall impose insurer administrative penalties for failure to comply with the payment, adjustment and payment, disallowance or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate Form category that was received within a specific calendar month.

(b) Insurer administrative fines for failure to submit, untimely submission, filing and reporting of medical data requirements. Pursuant to Section 440.185(9), F.S., the



department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be:

1. Calculated on a monthly basis for each separate Form category (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, DFS-F5-DWC-90) received and accepted by the division within a specific calendar month; and

2. Imposed for each un-filed, rejected and not re-submitted, or rejected and re-submitted untimely medical data report according to the following schedule:

a. 1 – 15 calendar days late \$10.00

b. 16 – 30 calendar days late \$20.00

c. 31 – 45 calendar days late \$30.00

d. 46 – 60 calendar days late \$40.00

e. 61 – 75 calendar days late \$50.00

f. 76 – 90 calendar days late \$100.00

g. 91 calendar days or greater \$500.00

(c) An Insurer that fails to submit, or who untimely submits, any division-approved Medical Summary Report electronic Excel spreadsheet required in subparagraph (6)(g)1. of this rule, shall be assessed a penalty for improper filing of \$25.00 per day, not to exceed a total penalty of \$1,000.00 per improperly filed Excel spreadsheet, in addition to any administrative penalty pursuant to Section 440.20(6)(b), F.S.

(8) If the carrier is submitting forms DWC-9, DWC-10, and/or DWC-11 to the Division on electronic media, and retaining the forms on electronic media, the carrier is not required to retain paper copies of those forms, but may treat the electronic media as the original documentation.

(9) On forms DWC-9, DWC-10, and DWC-11, the carrier shall be responsible for the legibility, accuracy and completeness of only the social security number, date of accident, and those areas of the form that the carrier completes. The carrier shall not be penalized for the legibility, accuracy or completeness of any area of the form completed by the employer, injured employee, or health care provider.

(10) Forms DWC-8, DWC-9, DWC-10, and DWC-11 are hereby incorporated into this rule and Rule Chapter 4L-7 by reference. Forms DWC-8, DWC-10, and DWC-11 shall bear the date September 1, 1994 in the lower right hand corner of the forms and shall become effective on the effective date of this rule. Form DWC-9 shall bear the date December 1990 in the lower right hand corner of the form and shall become effective on the effective date of this rule. A copy of forms DWC-8, DWC-9, DWC-10, and DWC-11 may be obtained by sending a request to the Division of Workers' Compensation, Medical Data Section, 200 East Gaines Street, Tallahassee, Florida 32399-4230.

Specific Authority 440.13(4)(a),(b), 440.15(3)(b),(d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS. Law Implemented 440.09, 440.13(2)(a),(3),(4),(6),(7),(11),(12),(14),(16), 440.15(3)(b),(d), 440.20(6), 440.185(5),(9), 440.593 FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended \_\_\_\_\_.

The remainder of the rule reads as previously published.

## DEPARTMENT OF FINANCIAL SERVICES

### Office of Insurance Regulation

RULE NO.:

RULE TITLE:

69O-149.037

Calculation of Premium Rates

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above Rules as noticed in Vol. 30, No. 3, January 16, 2004, of the Florida Administrative Weekly, have been withdrawn.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### DEPARTMENT OF THE LOTTERY

RULE TITLE:

RULE NO.:

Instant Game Number 539, CASH JUBILEE 53ER04-24  
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 539, "CASH JUBILEE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-24 Instant Game Numbers 539, CASH JUBILEE.

(1) Name of Game. Instant Game Number 539, "CASH JUBILEE."

(2) Price. CASH JUBILEE lottery tickets sell for \$1.00 per ticket.

(3) CASH JUBILEE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning CASH JUBILEE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a