

Rule 6A-22.006 is amended to read:

6A-22.006 Screening Process.

(1) A request for screening is made using a form DWC-23. Before the Department will consider a request complete and initiate a screening, the injured employee must sign the form DWC-23.

(2) The screening process shall consist of:

(a) A review of all available medical and vocational documentation relevant to the compensable injury to determine whether the injured employee is able to perform the duties of the pre-injury occupation; and

(b) A review of the documentation which supports the payment of temporary partial disability and wage loss benefits to determine the injured employee's inability to obtain suitable gainful employment because of his injury; and

(c) An interview with the injured employee.

(3) The carrier shall provide, within 10 business days of receipt of a request from the Department, any medical, vocational, and other requested documents or reports related to the injured employee's workers' compensation case.

(4) The Department may request the information directly from the authorized treating physician(s), or qualified rehabilitation provider(s), or obtain the services of an expert medical adviser to identify the injured employee's ability to return to work,

permanent impairment rating, and permanent work restrictions.

(5) The Department shall not provide any reemployment services, including a vocational evaluation unless the injured employee provides documentation to establish identity and employment eligibility. Such documentation shall be consistent with the acceptable documents for verifying identity and employment eligibility as required by the US Department of Justice, Immigration and Naturalization Service's Employment Eligibility Verification Form I-9.

(6) The Department shall not provide a vocational evaluation or any reemployment services when form DWC-23, which is signed by the injured employee, is received by the Department more than one (1) year from the date of last payment of indemnity benefits or the furnishing of remedial treatment, care, or attendance from the employer or carrier.

(7)~~(6)~~ Following a Department screening the Department shall not provide any additional reemployment services or refer the injured employee for a vocational evaluation:

(a) If the injured employee has filed a claim for permanent total disability benefits under Section 440.15(1), F.S., which the carrier has denied, wherein either the injured employee's medical condition or vocational capabilities are in dispute, until such time as an Office of the Judge of Compensation Claims adjudicates the injured employee's claim; or

(b) If the injured employee's medical condition is unresolved or unstable, until such time as the medical condition becomes stable; or

(c) If the injured employee has reached maximum medical improvement and returned to and maintained suitable gainful employment for at least 90 calendar days; or

(d) If the injured employee refuses to accept reemployment services from the Department.

~~(8)(7)~~ The Department shall not refer the injured employee for a vocational evaluation if the injured employee:

(a) Has returned to suitable gainful employment as a result of placement services provided by the Department; or

(b) Has no documented permanent physical restrictions related to the injury; or

(c) Has transferable skills which would allow return to work in suitable gainful employment; or

(d) Was terminated by the employer for good cause unrelated to the injury or any restrictions or limitations resulting therefrom; or

(e) Terminated suitable gainful employment for reasons unrelated to the injury.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History-New 7-1-96, Amended 6-26-01. Formerly 38F-55.009, Amended