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**FLORIDA LAW WEEKLY
Week of July 8, 2011**

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One Time Change in Physician

Theiss v. City of Panama City Beach, 36 Fla. L. Weekly d1423
(Fla. 1st DCA June 30, 2011).

The claimant appealed the JCC's denial of his claim for a change in primary care provider under the employer's managed care arrangement. The JCC denied the benefit based upon the claimant's failure to introduce the managed care plan, and alternatively the claimant's failure to prove the primary care provider was medically necessary. The 1st DCA noted that F.S. §440.134 provides that the claimant has a right to a change in primary care provider, and therefore the contractual language of the managed care arrangement was not necessary to demonstrate that fact. Additionally, the right to a one time change in physician is not dependent upon a showing of medical necessity. The 1st DCA reversed the JCC's denial of the request for the one time change.

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One Time Change in Physicians

Castillo v Total Source, Inc., 36 Fla. L. Weekly d1424 (Fla. 1st DCA June 30, 2011).

The claimant appealed the JCC's Order finding that he was not entitled to a one time change in physician. The claimant previously requested, "authorization of spine surgery evaluation for possible cervical discectomy as this is medically necessary and as recommended by claimant's authorized treating physician, Andrew S. Ellowitz, M.D." The employer/carrier authorized Dr. Jarolem. The claimant had multiple visits with Dr. Jarolem before filing a Petition seeking authorization of Dr. Andrew S. Ellowitz as a change in orthopedist. The employer/carrier then took the position that Dr. Ellowitz was authorized until the claimant sought his change to Dr. Jarolem. The 1st DCA found that Dr. Jarolem was provided pursuant to F.S. §440.13(2)(a) rather than F.S. §440.13(2)(f). Therefore, there was no evidence to suggest that Dr. Ellowitz was de-authorized either de facto or as a matter of Law.