

The Law Offices of Bolton & Helm, LLP

CASE LAW UPDATE

Appellate Court Reaffirms Attendant Care Does Not Include Household Services

In Lykes Pasco Packing Company v. Chessher, 2010 WL 1643231 (Fla. 1st DCA, April 26, 2010) the First DCA reviewed a case in which the JCC awarded attendant care but the Court reversed the award and instructed the judge to determine how much of the attendant care was for non-compensable household duties. The appellate court explained that much of the evidence presented at the hearing on the issue of attendant care involved activities with which the claimant needed help. However, the activities were for tasks such as cleaning, laundry, yard work, etc., all of which are non-compensable attendant services. The First DCA remanded the case back to the judge to determine the exact type and amount of compensable attendant services.

Discussion

Doctors will often prescribe attendant support even though, under Florida law, the same is not compensable attendant care. The type and amount of care needs to be determined so that only compensable, non-household services are compensated.

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