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January 25, 2022

**What's New In Our Industry-An Update Summary of Legislative Bills Adopted in Special Session of the Legislature. In Addition, a Summary of All Bills Filed in the Current Legislative Session Having Applicability to Workers' Compensation, Directly or Indirectly. Finally, Summaries of Appellate Rulings Since the Last Newsletter Related to Workers' Compensation are Provided.**

## **Florida**

### **WORKERS' COMPENSATION**

#### **Legislative**

#### **Special Legislative Session – November 15, 2021**

#### **Bills Approved**

**HB 1B Covid-19 Vaccine Mandates.** Employers may not impose a Covid-19 vaccination mandate for employees without providing individual exemptions that allow for an employee to opt out of such requirement on the basis of: medical reasons including but not limited to pregnancy or anticipated pregnancy and for religious reasons. Covid-19 immunity, periodic testing and use of employer provided personal protective equipment are provided for. Provides procedures to follow in seeking an exemption and processes to follow when exemptions are improperly denied. Complaints for improper procedural denials of employment will be handled by the Department of Legal Affairs and can result in administrative fines. Allows for the adoption of emergency rules to specify requirements for adhering to statutory mandates. Special provisions are created for vaccination mandates for students. Provides for the transfer of \$5 million from the General Revenue Fund to a designated account for complaint and investigation activities and for taking legal action to stop the enforcement of Covid-19 vaccination mandates. Bill specifically precludes any district school board to require students to wear a face mask that fits over the mouth or nose of a student. However, a parent at the parent's sole discretion may allow his or her child to wear a face mask. Such mandates may not prohibit an employee of a school board or district or an elected or appointed local official from returning to work or subject to disparate treatment based

on an exposure to Covid-19 so long as the employee remains asymptomatic and has not received a positive test for Covid-19.

CS/HB 3B Complaints for Violations. An employee’s complaint alleging a private employer’s violation of state mandated vaccine policies or practices is confidential and exempt from production until the investigation is completed or ceases to be active. After the investigation is completed or ceases to be active, information and records relating to the investigation remains confidential and exempt from production if such disclosure meets certain criteria. Precludes the production of an employee’s medical information and information regarding an employee’s religious beliefs remain confidential and exempt from public records requirements regardless of the status of the investigation.

HB 5B Florida Occupational Safety and Health State Plan. Provides for the Executive Office of the Governor to develop a proposal for a state plan to assert state jurisdiction over occupational safety and health issues for government and private employees and “shall designate or hire appropriate staff as necessary to develop the proposal.” Designates several state agencies to assist with the development of the proposal, including the Division of Workers’ Compensation. On or before January 17, 2022, the Governor shall submit a status report for the creation of the state plan. For the 2021-2022 fiscal year, the non-recurring sum of \$1 million is appropriated to the Executive Office of the Governor for the purpose of implementing this state plan.

HB 7B Vaccinations During Public Health Emergencies. Removes the authority of the state health officer to order the vaccination of individuals upon declaration of a public health emergency. Allows for the state health officer during a public health emergency to take certain actions in regards to individuals such as requiring the individual to be examined, tested, treated, isolated, or quarantined for communicable diseases but precludes an order requiring individuals to be vaccinated.

### **Regular Legislative Session** **(January 11 – March 11, 2022)**

Bills filed in the regular legislative session having workers’ compensation relevancy are listed below.

HB 431 Law enforcement officers employed by the Financial Services Commission, Office of Financial Regulations, Bureau of Financial Regulation. Allows for the Bureau to include law enforcement officers among its investigative personnel who shall be considered state law enforcement officers for all purposes. These law enforcement officers’ duties and responsibilities are defined including the execution of arrest warrants and search warrants, serving subpoenas, making arrests, and making arrests upon probable cause without a warrant. See several statutory provisions under the Workers’ Compensation Act and §112.18, F.S., related to law enforcement officers.

SB 7018 PCB GOS 22-04 Personal Identifying Information amends Section 440.185, Florida Statutes, to exempt from public records the disclosure of personal identifying information of injured or deceased employees contained in certain records held by the Department of Financial

Services pursuant to the workers' compensation law. This exemption from disclosure is not subject to the Open Government Sunset Review Act.

SB 1476 Prescription Drugs – Pharmacy Benefit Managers allows for the Office of Insurance Regulation to conduct market conduct examinations on pharmacy benefit manager including those organizations as defined in Section 440.02, Florida Statutes. Requires such organizations to register with the appropriate office and provide penalties for failure to register.

SB 1394 Toxic Mold Protections Act bill creates Section 83.252, F.S. Creates notice requirements by owners of buildings and tenants to report mold being present in buildings. Defines “mold.” Creates a Toxic Mold Protection Advisory Council to recommend “permissible exposure limits,” remediation standards and guidelines and provides for the Department of Health in consultation with the advisory council to develop and adopt permissible exposures including standards for assessing whether defective mold exposures present a public health threat. Establishes guidelines for identifying mold exposures/remediation. Provides procedures for enforcement of adopted guidelines.

CS/SB 156, Companion Bill HB 275 Loss Run Statements - Amends Section 626.9202 for all lines of insurance with certain exceptions such as group health and life insurance. Requires the provision of loss run statements within 15 calendar days after an individual or entity designated by the insurer receives the insured's written request.

HB 1023 – Insolvent Insurers – Florida Workers' Compensation Insurance Guaranty Association Redefines factors in determining workers' compensation and employer's liability insurance rates to include past loss experience and prospective loss experience for insurers whose data is missing from statewide experience due to insolvency. Prior relevant information may be used to assess the impact on rates. Advanced payments/assessments to the guaranty fund association for such insolvent insurers can be ordered in quarterly payments throughout the assessment years. Allows for insolvent insurers to elect to not recoup advances.

CS for SB 1430 - Insolvent Insurers/Officers and Directors Current law allow for officers and directors of insolvent insurers to serve in that capacity under certain conditions. Amendment states that such officers and directors may serve in those capacities unless it is determined that the personal actions or omissions of the officer or director were a significant contributing cause of an insolvency.

HB 689, see also SB 1066 First Responders – Post Traumatic Stress Disorders - Notice of Bill amends Section 112.185, Florida Statutes, providing that notice of a post-traumatic stress disorder claim by first responders must be made within certain timelines (qualifying events) or when the diagnosis of the disorder is made, whichever is later.

HB 425 Post-Traumatic Stress Disorder extends the definition of “First Responders” for post-traumatic stress disorder entitlements pursuant to §112.1815, Florida Statutes, (and Chapter 440, F.S.). Extends entitlements to part-time and full-time auxiliary law enforcement officers and part-time and full-time probation officers and part-time and full-time correctional probation officers. Post-traumatic stress disorders are deemed to be a compensable occupational disease within the meaning of §440.151, F.S. Special provisions related to the compensability of claims by

correctional officers and part-time correctional officers are provided for that created the post-traumatic stress disorder. Post-traumatic stress disorders are not subject to apportionment or limitations of compensation as related to other benefits payable under the workers' compensation system. Notice of such claims by the worker is measured from the date of the event that caused the post-traumatic stress disorder or the manifestation of the disorder, whichever is later. A claim under this section must be properly noticed within 52 weeks after the qualifying event. An employing agency of a correctional officer or part-time correctional officer must provide education training related to mental health awareness.

HB 503 – Bill applies to multiple issues but those that have specific application to workers' compensation issues include amendments to Section 440.381, Florida Statutes. This particular provision relates to audits to ensure proper payments of workers' compensation premiums. Except for construction class codes, audits must be made at least bi-annually. Construction employers must be audited at least annually only if the estimated annual premium is \$10,000 or more. See also SB 1874.

SB 1874 Department of Financial Services bill applies to multiple issues but those that have specific workers' compensation application include the following:

1. Amends Section 120.541, Florida Statutes. Schedules of maximum reimbursement allowances developed by the three member panel are expressly exempted from application of the need for an economic analysis for rule development and legislative action/ratification even when a proposed rule creates costs in excess of \$1million in aggregate within 5 years after the implementation of the rule. See HB 959, SB 1274, HB1123
2. Amends Section 440.02, F.S., concerning the definition of "employer" to include employment agencies that provide employees to other entities or persons.
3. Amends Section 440.05, F.S., related to officer exemptions from workers' compensation coverage and deletes those seeking an exemption from providing Social Security numbers. Requires Applicant for exemption to show as a part of the exemption process a valid driver's license. Requires corporate officers electing an exemption to complete an online workers' compensation coverage and compliance tutorial developed by the department. See HB 959. Requires the department upon request by a carrier to identify each of its policy holders where a Notice of Election to be Exempt or Notice of Revocation to be Exempt has been received. See HB 959. A Certificate of Election to be Exempt must contain notice that the certificate does not constitute a license issued by the Department of Business and Professional Regulations (DBPR) to do business. See HB 959.
4. Certificates for the Election to be Exempt apply only to the exemption of the specific officer named in the election. Deletes the provision that the exemption only applies to a specific employer. See HB 959.
5. Amends Section 440.107, F.S., to extend time of employers to 21 days to obtain workers' compensation coverage after being notified that proper workers' compensation coverage has not been obtained.

6. Amends Section 440.107, F.S., precluding an employer assessed penalty from entering into a payment schedule if the employer has not fully paid a possible previous penalty assessment. Provides additional limitations on employers who have not paid for proper workers' compensation premiums resulting in a penalty assessment or stop work order. Allows for reductions in penalty assessments if the employer correctly passes a test from an online workers' compensation coverage and compliance tutorial. See HB 959.
7. Amends Section 440.13(12), F.S., requiring the payment of medical costs based upon an agreed upon contract price between the medical provider and the payor or if there is no agreed upon contract price, the provider's billed charges or the maximum reimbursement allowed in the appropriate schedule adopted by the three member panel, whichever is less. See HB 959.
8. Amends Section 440.13(12), F.S., which allows for the Department to adopt rules to assist the three member panel in the development of fee schedules.
9. Amends Section 440.185, F.S., that requires the carrier to provide to the injured worker an informational brochure developed by the Department. Such notification must be by regular mail or email within 3 business days after being notified of an accident.
10. Amends Section 440.381, F.S., which requires the financial services commission in consultation with the Department to develop rules related to audits. The rules must ensure that audits are properly performed bi-annually for non-construction employers. Employers in the construction class that generate premium of \$10,000 or more must be audited annually (physical on-site audits for new and renewal policies). See HB 959.

HB 1123 Workers' Compensation Health Care Provider Assessment Manual. In regards to adopting any administrative rule, there must be an economic analysis showing whether a proposed rule will create a cost of in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. If so, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives for ratification by the Legislature. Historically, it has been determined that updating the Workers' Compensation Fee Schedule for physicians would create costs in excess of \$1 million; however, the Legislature would never agree to ratify such increases in costs and accordingly for several years, there have been no increases in fee schedules for health care providers providing services as provided for in the workers' compensation system. This bill would ratify the rule adopting the fee schedule adopted by the three member panel. This ratification will not be included in the Florida Statutes. Compare bill SB 1274. See SB1874.

SB 734 Public Health Officers - Vaccinations Deletes actions that can be taken by the Public Health Officer to order individuals to be vaccinated. Retains the ability of the Public Health Officer to order an individual to be examined, tested, treated, isolated or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health.

SB 742 Pharmacies and Pharmacy Benefit Managers Amends Section 624.3161, Florida Statutes, allowing for the Department to make a market conduct examination of Pharmacy Benefit Managers as defined by Section 624.490, Florida Statutes and pharmacies licensed under Chapter 465, F.S. The purpose of the audit is to determine compliance by the person or entity examined with the applicable provisions of Chapter 440 and other statutory provisions. Establishes requirements for suspension or revocation of pharmacy benefit manager's registration or imposition of fines if the pharmacy benefit manager is guilty of certain actions. Outlines actions that cannot be taken by pharmacy benefit managers and provides what must be contained in pharmacy benefit manager contracts that are entered into or amended on or after January 1, 2023 including the maximum allowable cost for a prescription drug. Allows for the Department to have access to all financial or other records to be reviewed as a part of an audit.

HB 453 Presumptions of Compensability - Heart and Hypertension Claims. As a condition to a presumption of compensability under the Workers' Compensation Act for these types of injuries, the claimant must have successfully passed the physical examination required for employment upon entering into service as a law enforcement officer, correctional officer, or correctional probation officer which fails to reveal any evidence of tuberculosis, heart disease or hypertension. The employing agency must maintain records of the physical examination for at least 5 years after the employee's separation from the employing agency. If such physical examinations are not retained for this period of time, it is presumed that the employee has met the requirements of a physical exam showing no evidence of having tuberculosis, heart disease or hypertension.

SB 688- Florida Family and Medical Leave Act is created by adding Chapter 444, Florida Statutes, which provides paid family and medical leave to employees for the birth, adoption, or foster care placement of a new child. The bill recognizes that the majority of employees in Florida are unable to take family and medical leave (federal statute) because they are unable to afford leave without pay. Such paid leave shall be for 12 months and will run concurrently with leave taken under the Federal Family and Medical Leave Act. The employer must maintain and pay for coverage for a group health plan during the leave and the employee must return to work in the same position after the period of leave that he had previously. Medical leave insurance benefits are created.

House Bill 295 Employer Leasing Companies – (PEOs) Contractual arrangements between PEOs and client companies engaged in the construction industry (contractors and subcontractors) must provide that all employees who are hired by contractors/subcontractors or a leasing company (leased or non-leased) are deemed employees of the leasing company for purposes of workers' compensation coverages. Requires at least a 10-day notice to the construction company client of cancellation of the contract allowing the client company to cure any contractual defaults or deficiencies. Precludes employee leasing companies from sponsoring a self insurance program for health benefits unless an admitted insurance carrier has issued a policy of insurance being primarily responsible for the obligations of the health plan. If the employee leasing company terminates its contractual agreement with a construction client company, it must send the Notice of Cancellation by first class mail to the client company at its last known address and to leased employees and non-leased employees, providing information as to the date of cancellation.

Client companies engaged in the construction industry must make available to the licensed employee leasing company records necessary to verify payroll and must allow leasing companies

to make physical inspections of the client company's operation. If there is a failure to provide information and an audit cannot be completed, the client company shall pay a penalty not to exceed three (3) times the most recent estimated annual premium. If a client company misrepresents payroll or employee duties, attorney fees and penalties are enforceable in the circuit court having jurisdiction over the licensed employee leasing company. If an accident occurs on the job to an employee not reported to the leasing company, the client company shall indemnify the leasing company for all benefits paid to or on behalf of the injured employee plus attorney fees.

Senate Bill 200 - First Responder Definition Expanded – See HB 425 - Expands the definition of "First Responders" for the determination of compensability of employment related accidents and injuries to include correctional officers as defined in s. 943.10(2), correctional probation officers as defined in s. 943.10(3) and 911 public safety telecommunicators as defined in s. 401.465(1). Includes volunteers in these professions. Requires at least one hour of continuing education annually which must include specific training on evidence-based coping strategies to mitigate traumatic stress in first responders as well as information on suicide prevention and other topics.

Senate Bill 468 –Workers' Compensation Premiums-Audits - Provides for the adoption of rules related to audits of payroll and classifications to ensure that appropriate premiums are charged for workers' compensation coverage (construction and non-construction). Such rules must ensure that audits are performed by carriers and employers. Audits must be performed at least biennially. Employers paying premiums in the construction industry sufficient to be experience rated must be audited at least annually. For employers in the construction industry, the audit must be a physical on-site audit for new and renewal policies if the estimated annual premiums are \$10,000 or more. Amends s. 440.381.

House Bill 17 – Telehealth Medical Providers Prescribing Controlled Substances may not use telehealth to prescribe controlled substances listed in Schedule II of s. 893.03, except for treatment for a psychiatric disorder, inpatient treatment at a licensed hospital, treatment of a patient receiving hospice services, or treatment as a resident in a nursing home facility.

House Bill 41 – Litigation Financing Consumer Protection Act. Litigation financing is described as being a litigation financier providing funds to a consumer in exchange for an assignment of the consumer's contingent right to receive an amount of the potential proceeds of a consumer's civil action or claim. Workers' compensation claims are specifically excluded from the definition of litigation financing.

House Bill 117 – Covid-19 and Infectious Diseases In regards to emergency rescue and public safety workers (firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer) employed full-time by the state or any political subdivision, Covid-19 and infectious disease are presumed to be compensable under the Workers' Compensation Act. Such conditions are presumed to be suffered in the line of duty, unless the contrary is shown by competent evidence. The employee must verify by written declaration that to the best of his or her knowledge and belief that he or she had not been exposed, outside the scope of his or her employment, to any person known to have Covid-19 or the infectious disease. In the case of an infectious disease, such employee must have contracted the infectious disease during a public health emergency declared in accordance with s. 381.0031, Florida Statutes. A similar bill (HB 53) was filed but withdrawn. See SB 774.

Senate Bill 432; See also HB 391 – Judicial Assistants. Amends s. 110.071, F.S., Personal information related to these individuals and their families are exempt from public records disclosure requests.

Senate Bill 540 – Prescriptions by Psychologists – Provides for the Board of Psychology to certify psychologists to prescribe medications including controlled substances in the treatment of patients. A method of certification and renewal is provided for.

Senate Bill 594 – Covid-19 – A governmental entity may not require persons to provide any documentation certifying Covid-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entities operations in this state or as a condition of licensure or certification in this state. A person aggrieved by a violation of this law would have a right of action in circuit court for injunctive or other equitable relief and is entitled to recover damages and reasonable attorney fees for each violation. Establishes criteria to determine the efficacy of using Covid-19 vaccine. (See subject of Special Legislative Session.)

## **Judicial**

### Doss v. United Parcel Services

46 FLW D2431

11/10/21

Claimant suffered a compensable accident and was paid temporary benefits. Subsequently, the claimant had surgery and following the surgery, sought additional temporary benefits. Prior to the surgery, the claimant had exhausted his entitlement to temporary benefits in accordance with Section 440.15(3)(c), Florida Statutes. JCC denied the entitlement to temporary benefits because the maximum amount of temporary benefits had been exhausted prior to the time of the surgery. Court determined that the limitations of Section 440.15(3)(c), Florida Statutes, was constitutional as applied and was not a violation of the right of access to courts. Accordingly, the JCC's denial of benefits was affirmed.

### Hospitals East LLC d/b/a Kindred Hospital – North Florida v. Hampton

46 FLW D2433

11/10/21

JCC entered order awarding the claimant benefits including fees and costs entitlement but reserved jurisdiction "to determine the amount thereof (attorney's fees and costs) if the parties were unable to amicably resolve this issue." That order was affirmed Per Curiam. Court determined that reservation of jurisdiction over the amount of fees and costs did not have the effect of tolling the running of the statute of limitations. This is to be distinguished from the reservation of entitlement to fees and costs that does have the effect of tolling the running of the statute of limitations.

Section 440.13(1)(q) defines a reimbursement dispute as "any disagreement between a health care provider or health care facility and the carrier concerning payment for medical treatment." The Department of Financial Service has exclusive jurisdiction to decide any matters concerning a reimbursement. In this case, the claimant did not meet the statutory definition of a health care facility or health care provider. A dispute between the claimant and the employer/carrier therefore



does not meet the statutory definition of a reimbursement dispute. Since this was not a reimbursement dispute as defined by Chapter 440, the JCC had jurisdiction to adjudicate the claim.

There was an issue in the case as to whether a stipulation entered into between the parties resolved the dispute. A stipulation properly entered into and relating to a matter upon which it is appropriate to stipulate is binding upon the parties and upon the court. This determination applies in workers' compensation cases. A JCC may be required to interpret contracts to determine the parties' rights and responsibilities under the Workers' Compensation Law. Accordingly, the JCC in this instance had jurisdiction to decide and interpret the meaning of the stipulation between the parties.

Hospitals East LLC d/b/a Kindred Hospital-North v. Hampton

46 FLW D2433

11/10/21

JCC entered order awarding the claimant benefits including fees and costs entitlement but reserved jurisdiction "to determine the amount thereof (attorney's fees and costs) if the parties were unable to amicably resolve this issue. That order was affirmed Per Curiam. Court determined that reservation of jurisdiction over the amount of fees and costs did not have the effect of tolling the running of the statute of limitations. This is to be distinguished from the reservation of entitlement to fees and costs that does toll the running of the statute of limitations.

Tampa Electric Company v. Gansner, et al

46 FLW D2398

11/10/21

Original opinion at 45 FLW D2358 on Motion for Rehearing in alternative Motion for Certification. Original opinion dated 10/16/20 withdrawn.

Court determined that plaintiff's employer who paid workers' compensation benefits to plaintiffs was considered a subcontractor of the general contractor and therefore the exclusive remedy provisions of the workers' compensation statute precluded this civil cause of action.

Defendant electric company asserted that it had a contractual obligation to its customers to supply them with electricity and that obligation arises out of its tariff. A tariff is a document setting forth a public utilities services, the rates for these services, and the rules and regulations that govern the utilities relationship with its customers. A tariff is subject to review and approval by the Public Service Commission and if approved, it is recognized as a contract between the utility company and its customers with the force in effect of law. Defendant's tariff, which was filed and approved by the Public Service Commission was therefore considered a contract between the defendant electrical company and its customers.

The lower court determined that other than this tariff approval, there was no contractual obligation explicit or implied to maintain the equipment that it uses to generate that electricity. Plaintiffs were injured while maintaining equipment that was used in the production of electricity. In order for there to be a contractor/subcontractor relationship, there must be in existence a contract existing between two persons/entities, a portion of responsibilities assumed subcontracted to a 3 person/entity. The lower court determined that the tariff did not create a contract between the

electrical company and its customers; rather, the obligation to maintain its equipment was solely regulatory and thus no contractor/subcontractor relationship existed.

On appeal, court determined that there was a contractor/subcontractor relationship existing between the electric company and its customers. The defendant electric company's status as a statutory employer would not be defeated by the existence of a regulatory obligation that overlaps with a corresponding contractual obligation to maintain its equipment.

Ranger Construction Industries, Inc. v. Brand

46 FLW D2586

12/1/21

The standard of review in workers' compensation cases is whether competent substantial evidence supports the decision, not whether it is possible to recite contradictory record evidence which supported the arguments rejected in proceedings before JCC. The appellate court will not re-try a claim at the appellate level and substitute its judgment for that of the JCC on factual issues supported by competent substantial evidence.

Tejeda v. City of Hialeah

47 FLW D80

12/29/21

Subject matter jurisdiction may be raised at any time, including on appeal.

The question in this case is whether the JCC had jurisdiction to determine the compensability of the payment of a medical bill, it being asserted that the dispute meets the statutory definition of a reimbursement dispute over which the Division of Workers' Compensation has jurisdiction. The judge determined that he did have jurisdiction to adjudicate the issue of claimant's entitlement to reimbursement for the expenses for spinal fusion surgery because it was a reimbursement dispute over which the Division of Workers' Compensation has authority to determine whether the bill should be paid.

A ruling as to whether a proceeding is a reimbursement dispute is a conclusion of law reviewed de novo to the extent it involves statutory construction.

Zurich American Insurance Company v. Samson and DSK Group, Inc. II

47 FLW D159

1/12/22

(Original opinion at 46 FLW D124) Prior opinion withdrawn and this opinion issued in its place. JCC ordered employer/carrier to provide medical treatment by a particular doctor. Based upon an allegation that the medical care was not provided, a Petition for Rule Nisi was filed by the claimant in circuit court to enforce the JCC's order. Order entered by circuit court requiring the provision of the medical care and imposed a \$15,000 "fine" plus claimant's attorney's fees. The question in this case is whether the circuit judge had jurisdiction to enter an order fining the employer/carrier.

According to Section 440.24(1), Florida Statutes, the circuit judge has jurisdiction to issue a writ of execution or such other process or final order as may be necessary to enforce the JCC's order. If it is not possible to retroactively provide the benefit that was denied, the court may fashion a monetary remedy equivalent to the lost benefit. The purpose of such a remedy is to make whole the person entitled to the Rule Nisi. No evidence was presented of any damages the claimant incurred due to the employer/carrier's delay in withholding the claimant's medical treatment and accordingly, the \$15,000 award was overturned.

The court determined that the circuit court has inherent authority to enforce a judgment by use of its contempt powers. Contempt sanctions are broadly categorized as either civil or criminal. The purpose of criminal contempt is generally to punish while civil contempt is generally remedial in nature and for the complainant's benefit. In order to award civil contempt sanctions, there must be evidence of the actual loss suffered by the injured party. Court, however, determined that there was no evidence to support the civil court's imposition of a fine as either a compensatory or coercive civil contempt sanction.