

Workers Compensation Benefit Overview – Georgia

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	34-9-261: \$50 min; \$500 max; 7day waiting period, 21 consecutive day retro period; 66-2/3% of AWW of preceding 13 weeks gross wages; actual work week used, 1-7 days, if applicable. First payment due in 21 days from date employer is aware of the disability; 15% late fee penalty imposed if not paid timely
Temporary Partial Benefits	34-9-262: No waiting period. \$334 max; No Min; 350 week limit. Under 34-9-104, employees can receive this benefit without a return to work
Permanent Partial Benefits	34-9-263: No waiting period. Scheduled & Unscheduled; AMA 5 th edition utilized. 300 weeks whole body. Up to max TT of \$500. No Min
Permanent Total Benefits	34-9-200.1 State defined catastrophic injuries; employee can be awarded PT benefits by an order of the board, following a hearing, under 34-9-200.1(g)(6)
Fatality Benefits	34-9-265: Subject to min & max TT rates; \$150,000 for widow without children; dependent children receive benefit until reaching majority. Thereafter, must qualify annually by proving full time attendance in college up to age 22. Widow can collect until married, involved in meretricious relationship. Subject to 400 weeks, or age 65, whichever is greater, and limited to \$150,000 if no children. All dependents share the comp rate up to \$500 per week. \$7,500 Funeral Benefit. If no Dependents, \$10,000 is paid to the GA SBWC.
Vocational Rehabilitation	Required only in designated catastrophic cases. Can involve re-education, if feasible; retraining for new occupation
Settlement Allowed	Yes, both Indemnity and Medical
Cap on benefits, exceptions	400 weeks under 34-9-261(TT); 350 weeks under 34-9-262(TP); 300 weeks under 34-9-263(PP) for unscheduled injuries and various weeks for scheduled members, Upper & Lower Extremities 225 weeks; hand 160 weeks etc.

Medical Issues

Initial Choice of Provider	Employer controlled with providing Posted Panel with a minimum of 6 Physicians, or a Conformed panel; or MCO; If no panel, employee choice
Change of Provider	Employee can make one change off panel without an order of the Board. Any further requests must go thru GA SBWC
Medical Fee Schedule	Yes
Managed Care	Yes
Utilization Review	No
Treatment Guidelines	No
Medical Mileage Reimbursement Rate	\$.40 per mile after 9/1/05
Ability to Terminate Medical	Only by agreement
Settlement Allowed	Yes
Cap on benefits, exceptions	No

Other Issues

Staff Counsel	Shivers & Associates, CS 1808, Alpharetta, GA. 30023-1808. 678-317-7104
Hearings require attorney or claim handler participation	Licensed Attorney Only
Occupational Diseases	Same as traumatic injuries
Second Injury Fund availability	Phased out. No new claims accepted with DOL after 7/1/06
Other Offset Opportunities	Limited Subrogation

State workers compensation website link: www.sbwc.georgia.gov