

Workers Compensation Claim State Environmental Guide - Georgia

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Indemnity issues

Temporary Total Benefits (“TTD”)	34-9-261: \$50 min; \$550 max, 7day waiting period, 21 consecutive day retro period; 2/3 of preceding 13 weeks’ gross wages; actual work week used, 1-7 days, if applicable. First payment due in 21 days from date employer aware of disability; 15% late fee penalty imposed if not paid timely. If there is an Order from SBWC or its judges for benefits, then 20% late penalty. 400 week limit.
Temporary Partial Benefits (“TPD”)	34-9-262: No waiting period. \$367 max.; No Min; 350 week limit. Under 34-9-104, employees can receive this benefit without a return to work.
Permanent Partial Benefits (“PPD”)	34-9-263: No waiting period. Scheduled & Unscheduled; AMA 5 th edition used. 300 weeks whole body. Up to max TT of \$550, No Min When PPD can be calculated in accordance with the schedule in more than one way, entitled to rating that yields MOST compensation. Once TTD/TPD suspended, 30 days to request rating from ATP. 20 days from knowledge of rating to commence payment.
Permanent Total Benefits (i.e., “catastrophic”)	34-9-200.1 Statute defines catastrophic injuries: “CAT” status can either be agreed to by the parties, or if contested, it goes to a hearing. Judge may order Perm. Total benefits following the hearing. 34-9-200.1(g)(6)
Fatality Benefits	34-9-265: Subject to min & max TT rates: \$220,000 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’s benefits cease upon remarriage or meretricious relationship. Subject to 400 weeks, or age 65, whichever is greater, and limited to \$220,000 if no children; all dependents share the comp rate up to \$550 per week. If death is result of intentional act of employer to cause injury, additional 20% penalty not to exceed \$20,000. \$7,500 Funeral/burial Benefit. If no Dependents, funeral/burial is the only compensation paid to the employee/claimant or their estate. Also, if no dependents, \$10,000 or ½ of the benefits that would have been payable to the dependents – whichever is less – paid to SBWC.
Vocational Rehabilitation	Required only in designated catastrophic cases. Can involve re-education, if feasible; retraining for new occupation. Can request rehabilitation in non-catastrophic cases if both parties voluntarily request in writing.
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) [as well as “350 week conversion” under 34-9-104]; 300 weeks under 34-9-263 (PP) for unscheduled injuries with various weeks for scheduled members (ex: Upper & Lower Extremities 225 weeks; hand 160 weeks, etc.)

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Medical issues

Medical Benefits	400 week cap on medical benefits for all injuries with dates of accident ON OR AFTER July 1, 2013 (as long as they are not designated Catastrophic).
Initial Choice of Provider	Employer controlled with providing Posted Panel with a minimum of 6 NON-ASSOCIATED Physicians, or a Conformed panel or MCO. If no panel, employee choice – they get to choose whoever they want.
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 (updated every 4/1); 2.75 over Medicare for outpatient services
Managed Care	Yes (Posted Panel)
Utilization Review	No
Treatment Guidelines	No
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	\$.40 per mile for travel by private vehicle. 15-day limit to pay medical mileage without penalty (time-sensitive!).
Network Information	First Health (primary) and Corvel (secondary).
Ability to Terminate Medical Treatment	Only by agreement
Settlement Allowed	Yes

Other Issues

WC Hearing Docket Speed	<ul style="list-style-type: none"> • Hearings set within 30 to 45 days of request • Pro-employee • Multiple resets are typical to accommodate discovery (in attorney-represented cases)
Staff Counsel	Dodson & Associates CS 1808 Alpharetta, GA 30023-1808 678-317-7110
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 – ‘Made-Whole’ Doctrine applies
EDI	Claim filing system only
In-State Adjusting Required	No
License or Certification Required	No for carrier, license is required for TPA

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	<ul style="list-style-type: none">• Very time sensitive.• Very form intensive.• Administrative Board System.• Penalties applied if payments of Indemnity and Medical are not issued within specified time periods.• Subject to assessed attorney fees for unreasonable defenses.• Sari Marmor is our legal counselor.