

House Bill 404

By: Representative Orrock of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to
2 workers' compensation, so as to provide for preapproval of certain medical treatment or
3 testing upon failure of an employer or its insurer to respond to a request for advance
4 authorization within a specified period; to provide for notice to the State Board of Workers'
5 Compensation of denial of recommended medical treatment or testing; to provide for a
6 hearing, compliance with a ruling, and penalties for failure to comply; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'
11 compensation, is amended by inserting immediately following Code Section 34-9-200.1 a
12 new Code Section 34-9-200.2 to read as follows:

13 "34-9-200.2.

14 If an employer or its workers' compensation insurer fails to respond to a written request
15 by an authorized medical provider for advance authorization for medical treatment or
16 testing within five business days, the requested treatment or testing shall be considered
17 preapproved. An employer or its workers' compensation insurer shall, within five business
18 days of denying recommended medical treatment or testing for an injured employee, notify
19 the board in writing of the reasons for such denial of treatment. Notice of medical
20 treatment or testing denial may also be submitted to the board by the employee. Within 30
21 days of receipt of written notification of medical treatment or testing denial, the board shall
22 order a hearing on the issue by an administrative law judge. A ruling of the administrative
23 law judge reached as a result of such hearing which is adverse to the position taken by the
24 employer or its insurer shall be fully complied with by the employer or its insurer within
25 ten days of issuance of the decision. Failure by the employer or its insurer to comply with
26 the ruling within ten days of its issuance may, at the board's discretion, result in the

1 assessment of a penalty of up to 20 percent of the reasonable medical charges for the
2 denied treatment or testing, as provided in Code Section 34-9-205. The board may, in its
3 discretion, assess an additional penalty of \$500.00 against an employer or its insurer which
4 fails to comply with the ruling regarding denied medical treatment or testing within 30 days
5 of the issuance of that decision."

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.