

Senate Bill 233

By: Senators Lamutt of the 21st, Golden of the 8th, Blich of the 7th and Balfour of the 9th

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 delete the requirement that notice to nonresident parties be
3 sent by certified mail; to change procedures regarding an employee's cooperation with
4 authorized medical treatment; to provide that the granting or denial of social security
5 disability creates no presumption in the determination of whether or not a case is deemed to
6 be catastrophic; to provide time limitations on the submission of medical bills; to provide for
7 when an employee is entitled to receive permanent partial disability benefits; to place the
8 temporary total benefits maximum at \$425.00 per week and to place the minimum at \$42.50
9 per week; to place the temporary partial benefits maximum at \$284.00 per week; to provide
10 for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'
14 compensation, is amended by striking subsection (j) of Code Section 34-9-102, relating to
15 a hearing before the administrative law judge, and inserting in lieu thereof the following:

16 "*(j) Notice to nonresident party.*

17 (1) Any party subject to this chapter who is or who becomes a nonresident of this state
18 at the time of or after the injury or death of an employee shall be deemed to have
19 appointed irrevocably the executive director of the board as that party's agent for service
20 of notice or any other process in any proceeding under this chapter.

21 (2) Any notice or process served on the executive director shall have the same legal
22 effect as if served upon the nonresident party personally within the state.

23 (3) The executive director or his or her designated agent shall immediately ~~send~~ mail a
24 copy of the notice or process ~~by certified mail or statutory overnight delivery~~ to the last
25 known address of the nonresident party."

SECTION 2.

Said chapter is further amended by striking in its entirety subsection (c) of Code Section 34-9-200, relating to compensation for medical care, artificial members, and other treatment and supplies, and inserting in lieu thereof the following:

~~“(c) The refusal of the employee without reasonable cause to accept either medical, surgical, or hospital care or other treatment, as provided by this Code section, when ordered by the board, shall entitle the board in its discretion to suspend or reduce the compensation otherwise payable to such employee unless in the opinion of the board the circumstances justify the refusal, as determined in the manner provided under Code Section 34-9-100. The board may require recommendations from a panel of specialists in determining whether or not suspension or reduction of compensation is justified. As long as an employee is receiving compensation, he or she shall submit himself or herself to examination by the authorized treating physician at reasonable times. If the employee refuses to submit himself or herself to or in any way obstructs such an examination requested by and provided for by the employer, his or her right to compensation shall be suspended until such refusal or objection ceases and no compensation shall at any time be payable for the period of suspension unless in the opinion of the board the circumstances justify the refusal or obstruction.”~~

SECTION 3.

Said chapter is further amended by striking paragraph (6) of subsection (g) of Code Section 34-9-200.1, relating to rehabilitation benefits, and inserting in lieu thereof the following:

“(6) Any other injury of a nature and severity that prevents the employee from being able to perform his or her prior work and any work available in substantial numbers within the national economy for which such employee is otherwise qualified. A decision granting or denying disability income benefits under Title II or supplemental security income benefits under Title XVI of the Social Security Act shall be admissible in evidence and the board shall give the evidence the consideration and deference due under the circumstances regarding the issue of whether the injury is a catastrophic injury; provided, however, that no presumption shall be created by any decision granting or denying disability income benefits under Title II or supplementary security income benefits under Title XVI of the Social Security Act.”

SECTION 4.

Said chapter is further amended by striking paragraphs (2) and (3) of subsection (c) of Code Section 34-9-203, relating to an employer’s pecuniary liability for medical charges, and inserting in lieu thereof the following:

SECTION 6.

Said chapter is further amended by striking Code Section 34-9-261, relating to compensation for total disability, and inserting in lieu thereof the following:

"34-9-261.

While the disability to work resulting from an injury is temporarily total, the employer shall pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the employee's average weekly wage but not more than ~~\$400.00~~ \$425.00 per week nor less than ~~\$40.00~~ \$42.50 per week, except that when the weekly wage is below ~~\$40.00~~ \$42.50 the employer shall pay a weekly benefit equal to the average weekly wage. The weekly benefit under this Code section shall be payable for a maximum period of 400 weeks from the date of injury; provided, however, in the event of a catastrophic injury as defined in subsection (g) of Code Section 34-9-200.1, the weekly benefit under this Code section shall be paid until such time as the employee undergoes a change in condition for the better as provided in paragraph (1) of subsection (a) of Code Section 34-9-104."

SECTION 7.

Said chapter is further amended by striking Code Section 34-9-262, relating to compensation for temporary partial disability, and inserting in lieu thereof the following:

"34-9-262.

Except as otherwise provided in Code Section 34-9-263, where the disability to work resulting from the injury is partial in character but temporary in quality, the employer shall pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the difference between the average weekly wage before the injury and the average weekly wage the employee is able to earn thereafter, but not more than ~~\$268.00~~ \$284.00 per week for a period not exceeding 350 weeks from the date of injury."

SECTION 8.

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