

House Bill 1240

By: Representatives Coan of the 101st, Butler of the 18th, Knox of the 24th, Horne of the 71st,
Cox of the 102nd, and others

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 provide that the employer must provide notice to the employee
3 within 60 days of the employee's release to return to work with restrictions or limitations;
4 to provide that an employee must submit charges within one year of the date of incurring
5 mileage expenses or the right to collect such charges shall be deemed to be waived; to
6 increase the maximum death benefit to \$150,000.00 for the surviving spouse who is the sole
7 dependent at the time of the employee's death; to require that physicians treating workers'
8 compensation claimants comply with provisions against self-referral; to make a conforming
9 amendment to Chapter 1B of Title 43 of the Official Code of Georgia Annotated, relating to
10 patient self-referral; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

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

13 **SECTION 1.**

14 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'
15 compensation, is amended by adding a new Code Section 34-9-25 to read as follows:

16 "34-9-25.

17 Physicians treating workers' compensation claimants shall comply with the provisions
18 against patient self-referral as set forth in Chapter 1B of Title 43."

19 **SECTION 2.**

20 Said chapter is further amended by striking paragraph (2) of subsection (a) of Code Section
21 34-9-104, relating to modification of award or order contained in prior decision in event of
22 change of condition, and inserting in its place the following:

23 "(2) When an injury is not catastrophic, as defined in subsection (g) of Code Section
24 34-9-200.1, and the employee is not working, the board shall determine that a change in
25 condition for the better has occurred and the employee shall be entitled to the payment

1 of benefits for partial disability in accordance with Code Section 34-9-262 if it is
 2 determined that the employee has been capable of performing work with limitations or
 3 restrictions for 52 consecutive weeks. Within 60 days of the employee's release to return
 4 to work with restrictions or limitations, ~~the employee shall receive notice from the~~
 5 ~~employer~~ the employer shall provide notice to the employee on a form provided by the
 6 board that will inform the employee that he or she has been released to work with
 7 limitations or restrictions, will include an explanation of the limitations or restrictions,
 8 and will inform the employee of the general terms of this Code section. In no event shall
 9 an employee be eligible for more than 78 aggregate weeks of benefits for total disability
 10 while such employee is capable of performing work with limitations or restrictions. No
 11 provision of this paragraph shall be interpreted to prevent a change in condition from
 12 occurring pursuant to paragraph (1) of this subsection or to prevent an employee from
 13 becoming eligible for benefits for total disability should such employee subsequently
 14 become totally disabled after exhausting 52 consecutive weeks or 78 aggregate weeks of
 15 such benefits while capable of performing work with limitations or restrictions.
 16 Whenever an employer seeks to convert an employee from benefits for total disability to
 17 benefits for partial disability as provided in this paragraph, such employer may convert
 18 the benefits unilaterally by filing a form indicating the reason for the conversion as
 19 prescribed by rule of the board."

20 SECTION 3.

21 Said chapter is further amended by striking paragraph (4) of subsection (c) of Code Section
 22 34-9-203, relating to employer's payment of reasonable medical charges, and inserting in its
 23 place the following:

24 "(4) Notwithstanding any other provision of this subsection, if the employee or the
 25 provider of health care goods or services fails to submit its charges to the employer or its
 26 workers' compensation insurer within one year of the date of service or the issuance of
 27 such goods or services or, in the case of an employee, within one year of the date of
 28 incurring of mileage expenses, then the provider is deemed to have waived its right to
 29 collect such charges from the employer, its workers' compensation insurer, and the
 30 employee; and, in regard to mileage expenses, the employee is deemed to have waived
 31 his or her right to collect such charges from the employer or its workers' compensation
 32 insurer."

SECTION 4.

Said chapter is further amended by striking subsection (d) of Code Section 34-9-265, relating to compensation for death resulting from injury and other causes, and inserting in its place the following:

"(d) The total compensation payable under this Code section to a surviving spouse as a sole dependent at the time of death and where there is no other dependent for one year or less after the death of the employee shall in no case exceed ~~\$125,000.00~~ \$150,000.00."

SECTION 5.

Chapter 1B of Title 43 of the Official Code of Georgia Annotated, relating to patient self-referral, is amended by striking Code Section 43-1B-7, relating to exception for physicians treating workers' compensation claimants, and inserting in its place a new Code section to read as follows:

"43-1B-7.

~~Except for purposes of disclosure, as described in Code Section 43-1B-5, the provisions of this chapter shall not apply to referrals from a physician listed on a valid panel of physicians treating the claimant pursuant to Chapter 9 of Title 34, relating to workers' compensation, or the rules of the State Board of Workers' Compensation Reserved.~~"

SECTION 6.

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