

House Bill 424

By: Representatives Coan of the 101st, Reese of the 98th, Hamilton of the 23rd, Cox of the 102nd, Carter of the 159th, 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, to provide for the dismissal of certain claims in which no hearing
3 has been held after a certain time period; to extend the period of time in which the employer
4 has to select a rehabilitation supplier; to specify that examinations of the employee may
5 include physical, psychiatric, and psychological examinations; to provide that charges for
6 prescriptions and charges for other items and services shall be subject to the approval of the
7 State Board of Workers' Compensation; to increase the weekly wage amounts for
8 compensation for total disability; to increase the maximum weekly benefit for compensation
9 for temporary partial disability; to provide for related matters; to repeal conflicting laws; and
10 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 revising Code Section 34-9-100, relating to the filing of claims
15 with the State Board of Workers' Compensation and the dismissal of stale claims, as follows:
16 "34-9-100.

17 (a) Subject to Code Section 34-9-82, a claim for compensation may be filed with the board
18 at any time following an injury or death. The board and its administrative law judges shall
19 have full authority to hear and determine all questions with respect to such claims.

20 (b) The board shall make or cause to be made any investigation or mediation it considers
21 necessary and, upon its own motion or application of any interested party, order a hearing
22 thereon and assign the claim to an administrative law judge for review. Furthermore, the
23 board may direct the parties to participate in mediation conducted under the supervision
24 and guidance of the board.

1 (c) ~~On or after July 1, 1985, a~~ Any application for hearing filed with the board pursuant
 2 to this Code section, on or after July 1, 1985, but prior to July 1, 2007, for which no
 3 hearing is conducted for a period of five years shall automatically stand dismissed.

4 (d)(1) For injuries occurring on or after July 1, 2007, any claim filed with the board for
 5 which neither medical nor income benefits have been paid shall stand dismissed with
 6 prejudice by operation of law if no hearing has been held within five years of the alleged
 7 date of injury.

8 (2) This subsection shall not apply to a claim for an occupational disease as defined in
 9 Code Section 34-9-280.

10 (3) The form provided by the board for use in filing a workers' compensation claim shall
 11 include notice of the provisions of this subsection.

12 (e) Any claim, notice, or appeal required by this chapter to be filed with the board shall be
 13 deemed filed on the earlier of: (1) the date such claim or notice is actually received by the
 14 board; or (2) the official postmark date such claim or notice was mailed to the board,
 15 properly addressed with postage prepaid, by registered or certified mail or statutory
 16 overnight delivery."

17 SECTION 2.

18 Said chapter is further amended by revising subsection (a) of Code Section 34-9-200.1,
 19 relating to rehabilitation benefits and rehabilitation suppliers, as follows:

20 "(a) In the event of a catastrophic injury, the employer shall furnish the employee entitled
 21 to benefits under this chapter with reasonable and necessary rehabilitation services. The
 22 employer either shall appoint a registered rehabilitation supplier or give reasons why
 23 rehabilitation is not necessary within 48 hours of the employer's acceptance of the injury
 24 as compensable or notification of a final determination of compensability, whichever
 25 occurs later. If it is determined that rehabilitation is required under this Code section, the
 26 employer shall have a period of ~~15~~ 20 days from the date of notification of that
 27 determination within which to select a rehabilitation supplier. If the employer fails to select
 28 a rehabilitation supplier within such time period, a rehabilitation supplier ~~will~~ shall be
 29 appointed by the board to provide services at the expense of the employer. The
 30 rehabilitation supplier appointed to a catastrophic injury case shall have the expertise
 31 which, in the judgment of the board, is necessary to provide rehabilitation services in such
 32 case."

33 SECTION 3.

34 Said chapter is further amended by revising subsections (a) and (e) of Code Section
 35 34-9-202, relating to an examination of an injured employee, as follows:

1 "(a) After an injury and as long as he claims compensation, the employee, if so requested
 2 by his employer, shall submit himself to examination, at reasonable times and places, by
 3 a duly qualified physician or surgeon designated and paid by the employer or the board.
 4 Such examination may include physical, psychiatric, and psychological examinations."

5 "(e) Notwithstanding the rights afforded an employee under Code Section 34-9-201, the
 6 employee, after an accepted compensable injury and within 120 days of receipt of any
 7 income benefits, shall have the right to one examination at a reasonable time and place,
 8 within this state or within 50 miles of the employee's residence, by a duly qualified
 9 physician or surgeon designated by the employee and to be paid for by the employer. Such
 10 examination, of which the employer or insurer shall be notified in writing in advance, shall
 11 not repeat any diagnostic procedures which have been performed since the date of the
 12 employee's injury unless the costs of such diagnostic procedures which are in excess of
 13 \$250.00 are paid for by a party other than the employer or the insurer. Such examination
 14 may include physical, psychiatric, and psychological examinations."

15 **SECTION 4.**

16 Said chapter is further amended by revising subsection (a) of Code Section 34-9-205, relating
 17 to board approval of physician's fees, hospital, and other charges, as follows:

18 "(a) Fees of physicians, ~~and~~ charges of hospitals, charges for prescription drugs, and
 19 charges for ~~and~~ other items and services under this chapter shall be subject to the approval
 20 of the State Board of Workers' Compensation. No physician, hospital, or other provider of
 21 services shall be entitled to collect any fee unless reports required by the board have been
 22 made."

23 **SECTION 5.**

24 Said chapter is further amended by revising Code Section 34-9-261, relating to compensation
 25 for total disability, as follows:

26 "34-9-261.

27 While the disability to work resulting from an injury is temporarily total, the employer shall
 28 pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the
 29 employee's average weekly wage but not more than ~~\$450.00~~ \$500.00 per week nor less
 30 than ~~\$45.00~~ \$50.00 per week, except that when the weekly wage is below ~~\$45.00~~ \$50.00,
 31 the employer shall pay a weekly benefit equal to the average weekly wage. The weekly
 32 benefit under this Code section shall be payable for a maximum period of 400 weeks from
 33 the date of injury; provided, however, that in the event of a catastrophic injury as defined
 34 in subsection (g) of Code Section 34-9-200.1, the weekly benefit under this Code section

1 shall be paid until such time as the employee undergoes a change in condition for the better
2 as provided in paragraph (1) of subsection (a) of Code Section 34-9-104."

3 **SECTION 6.**

4 Said chapter is further amended by revising Code Section 34-9-262, relating to compensation
5 for temporary partial disability, as follows:

6 "34-9-262.

7 Except as otherwise provided in Code Section 34-9-263, where the disability to work
8 resulting from the injury is partial in character but temporary in quality, the employer shall
9 pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the
10 difference between the average weekly wage before the injury and the average weekly
11 wage the employee is able to earn thereafter; but not more than ~~\$300.00~~ \$334.00 per week
12 for a period not exceeding 350 weeks from the date of injury."

13 **SECTION 7.**

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