

House Bill 330

By: Representatives Coan of the 101st, Reese of the 98th, Hamilton of the 23rd, Knox of the 24th, Marin of the 96th, 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 to change certain provisions relating to service of decisions of
3 an administrative law judge and decisions of the appellate division; to provide that an
4 employee's waiver of confidentiality includes past medical history with respect to any
5 condition or complaint related to the condition for which the employee claims compensation;
6 to provide that final settlement payments are to be paid by the employer to a person or
7 corporation appointed by the superior court in certain circumstances; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'
12 compensation, is amended by revising subsection (f) of Code Section 34-9-102, relating to
13 hearing before administrative law judge, as follows:

14 "(f) *Decision of the administrative law judge.* Within 30 days following the completion of
15 evidence, unless the time for filing the decision is extended by the board, the administrative
16 law judge shall determine the questions and issues and file the decision with the record of
17 the hearing. At the time of the filing, a copy of the decision shall be ~~mailed~~ sent to all
18 parties and counsel of record at their ~~last known~~ addresses of record. Notice to counsel of
19 record of a party shall constitute service of notice to the party, if a copy of the decision was
20 sent to the address of record of said party. The decision of the administrative law judge
21 shall be made in the form of a compensation award, appropriately titled to show its purpose
22 and containing a concise report of the case, with findings of fact and conclusions of law
23 and any other necessary explanation of the action taken. The administrative law judge may
24 reconsider the official decision prior to its becoming final to correct apparent errors or
25 omissions. The compensation award shall be final 20 days after issuance of notice of the
26 award unless an appeal is filed in accordance with Code Section 34-9-103."

27 **SECTION 2.**

28 Said chapter is further amended by revising subsection (a) of Code Section 34-9-103, relating
 29 to appeal of decision, remand, and reconsideration, amendment, or revision of award, as
 30 follows:

31 "(a) Any party dissatisfied with a decision of an administrative law judge of the trial
 32 division of the State Board of Workers' Compensation may appeal that decision to the
 33 appellate division of the State Board of Workers' Compensation which shall have original
 34 appellate jurisdiction in all workers' compensation cases. An application for review shall
 35 be made to the appellate division within 20 days of issuance of notice of the award. The
 36 appellee may institute cross appeal by filing notice thereof within 30 days of the notice of
 37 the award. If a timely application for review, cross appeal, or both, is made to the appellate
 38 division, the appellate division shall review the evidence and shall then make an award
 39 with findings of fact and conclusions of law. A copy of the award so made on review shall
 40 immediately be sent to the parties and counsel of record at dispute at their addresses of
 41 record. Notice to counsel of record of a party shall constitute service of notice to the party,
 42 if a copy of the award was sent to the address of record of said party. Upon review, the
 43 appellate division may remand to an administrative law judge in the trial division any case
 44 before it for the purpose of reconsideration and correction of apparent errors and omissions
 45 and issuance of a new award, with or without the taking of additional evidence, or for the
 46 purpose of taking additional evidence for consideration by the appellate division in
 47 rendering any decision or award in the case. The findings of fact made by the
 48 administrative law judge in the trial division shall be accepted by the appellate division
 49 where such findings are supported by a preponderance of competent and credible evidence
 50 contained within the records."

51 **SECTION 3.**

52 Said chapter is further amended by revising Code Section 34-9-207, relating to employee's
 53 waiver of confidentiality of communications with physician and release for medical records
 54 and information, as follows:

55 "34-9-207.

56 (a) When an employee has submitted a claim for workers' compensation benefits or is
 57 receiving payment of weekly income benefits or the employer has paid any medical
 58 expenses, that employee shall be deemed to have waived any privilege or confidentiality
 59 concerning any communications related to the claim or history or treatment of injury
 60 arising from the incident that the employee has had with any physician, including, but not
 61 limited to, communications with psychiatrists or psychologists. This waiver shall apply to
 62 the employee's medical history with respect to any condition or complaint reasonably

63 related to the condition for which such employee claims compensation. Notwithstanding
 64 any other provision of law to the contrary, when requested by the employer, any physician
 65 who has examined, treated, or tested the employee or consulted about the employee shall
 66 provide within a reasonable time and for a reasonable charge all information and records
 67 related to the examination, treatment, testing, or consultation concerning the employee.

68 (b) When an employee has submitted a claim for workers' compensation benefits or is
 69 receiving payment of weekly income benefits or the employer has paid any medical
 70 expenses, the employee, upon request, shall provide the employer with a signed release for
 71 medical records and information related to the claim or history or treatment of injury
 72 arising from the incident, including information related to the treatment for any mental
 73 condition or drug or alcohol abuse and to such employee's medical history with respect to
 74 any condition or complaint reasonably related to the condition for which such employee
 75 claims compensation. Said release shall designate the provider ~~and shall state that it will~~
 76 to whom the release is directed. If a hearing is pending, any release shall expire on the date
 77 of the hearing.

78 (c) If the employee refuses to provide a signed release for medical information as required
 79 by this subsection, ~~any weekly income benefits being received by the employee shall be~~
 80 ~~suspended and no hearing shall be scheduled at the request of the employee until such~~
 81 ~~signed release is provided~~ Code section and, in the opinion of the board, the refusal was not
 82 justified under the terms of this Code section, then such employee shall not be entitled to
 83 any compensation at any time during the continuance of such refusal or to a hearing on the
 84 issues of compensability arising from the claim."

85 **SECTION 4.**

86 Said chapter is further amended by revising Code Section 34-9-223, relating to lump sum
 87 payments to trustees, as follows:

88 "34-9-223.

89 Whenever the board deems it expedient, any lump sum, subject to the provisions of Code
 90 Section 34-9-222, or final settlement, subject to the provisions of Code Section 34-9-15,
 91 shall be paid by the employer to some suitable person or corporation appointed by the
 92 superior court of the county wherein the accident occurred or the original hearing was held
 93 as trustee to administer such payment for the benefit of the person or persons entitled
 94 thereto in the manner provided by the board. The receipt by such trustees of the amount so
 95 paid shall discharge the employer or anyone else who is liable therefor."

96 **SECTION 5.**

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