

Senate Bill 135

By: Senators Walker III of the 20th, Jones of the 25th, Martin of the 9th, Harbin of the 16th,  
Kirk of the 13th 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 related to workers' compensation  
3 administration and benefits; to change certain provisions relating to the eligibility for  
4 appointment as administrative law judge emeritus of the State Board of Workers'  
5 Compensation; to provide for terms of office and salary for the office of administrative law  
6 judge emeritus; to change certain provisions relating to the eligibility for appointment as  
7 director emeritus; to provide for terms of office and salary for the office of director emeritus;  
8 to provide that certain care, treatment, services, and items prescribed by an authorized  
9 physician for noncatastrophic injuries shall not be subject to the 400 week maximum period  
10 cap; to provide for definitions; to increase the compensation benefits for total disability and  
11 temporary partial disability; to increase the total compensation payable to a surviving spouse  
12 as a sole dependent at the time of death; to provide for related matters; to repeal conflicting  
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'  
17 compensation, is amended by revising Code Section 34-9-53, relating to directors emeritus  
18 of the State Board of Workers' Compensation and the eligibility and procedure for  
19 appointment, as follows:

20 "34-9-53.

21 (a) There is created the office of director emeritus of the board.

22 (b) Any director of the board ~~now or hereafter~~ in office on June 30, 2019, shall be eligible  
23 for appointment as director emeritus, ~~provided that~~ once such member of the board has  
24 reached the age of 60 years and has also attained 20 consecutive years of service in the  
25 capacity of ~~chairman~~ chairperson, director, deputy director or administrative law judge,  
26 member of the General Assembly, or a combination of consecutive service in these offices;

27 ~~and provided, further, provided~~ that not more than five years' service in the General  
 28 Assembly shall be allowed as service credit under this Code section. The Governor shall  
 29 appoint to the position of director emeritus anyone eligible under this Code section who  
 30 shall advise the Governor in writing that he or she desires to resign from the office of  
 31 director of the board and accept appointment as director emeritus of the board, stating in  
 32 such notice the date upon which the resignation as director and appointment as director  
 33 emeritus shall become effective; and upon such notice the Governor shall make such  
 34 appointment effective upon the date requested, and the resignation as director of the board  
 35 shall be automatically effective as of the same date as the appointment as director emeritus.  
 36 (c) Notwithstanding the provisions of subsection (b) of this Code section, all persons  
 37 appointed to the office of director emeritus of the board prior to June 30, 2019, shall  
 38 continue to hold such office for the term and salary provided for in Code Section 34-9-54."

### 39 SECTION 2.

40 Said chapter is further amended by revising Code Section 34-9-57, relating to the creation  
 41 of administrative law judge emeritus of the State Board of Workers' Compensation,  
 42 eligibility for and manner of appointment, and compensation, as follows:

43 "34-9-57.

44 (a) There is created the office of administrative law judge emeritus of the board.

45 (b) Any administrative law judge, formerly known as deputy director, of the board ~~now~~  
 46 ~~or hereafter~~ in office on June 30, 2019, shall be eligible for appointment as administrative  
 47 law judge emeritus, ~~provided he~~ once he or she has reached the age of 70 years and has  
 48 either:

49 (1) Attained ~~attained~~ 20 years of service in the capacity of administrative law judge or  
 50 deputy director; or

51 (2) Attained ~~attained~~ 20 years of total service, aggregating his or her service as  
 52 administrative law judge or deputy director with any years of prior service as director,  
 53 member of the General Assembly of Georgia or the Georgia National Guard, or as special  
 54 assistant attorney general, or any combination of services in these offices.

55 (c) ~~An Such~~ administrative law judge emeritus shall be eligible for appointment by the  
 56 Governor in the same manner as provided for appointment of a director emeritus under  
 57 Code Section 34-9-53 and shall exercise the same duties as provided in Code  
 58 Section 34-9-55 for a director emeritus.

59 (d) Notwithstanding the provisions of subsection (b) of this Code section, all persons  
 60 appointed to the office of administrative law judge emeritus of the board prior to  
 61 June 30, 2019, shall continue to hold such office and shall receive the annual salary  
 62 provided for in subsection (e) of this Code section.

63 (e) All persons appointed to the office of administrative law judge emeritus as provided  
 64 in this Code section shall receive an annual salary equal to one-third of the annual salary  
 65 provided by law for an administrative law judge of the board at the time of appointment of  
 66 the administrative law judge emeritus under this Code section, such salary to be paid by the  
 67 board in semimonthly installments from funds provided by law for the operation of the  
 68 board."

69 **SECTION 3.**

70 Said chapter is further amended in subsection (a) of Code Section 34-9-200, relating to  
 71 compensation for medical care, artificial members, and other treatment and supplies, effect  
 72 of employee's refusal of treatment, and employer's liability for temporary care, by adding a  
 73 new paragraph to read as follows:

74 "(3)(A) For injuries arising on or after July 1, 2013, that are not designated as  
 75 catastrophic injuries pursuant to subsection (g) of Code Section 34-9-200.1, the  
 76 maximum period of 400 weeks referenced in paragraph (2) of this subsection shall not  
 77 be applicable to the following care, treatment, services, and items when prescribed by  
 78 an authorized physician:

79 (i) Maintenance, repair, revision, replacement, or removal of any prosthetic device,  
 80 provided that the prosthetic device was originally furnished within 400 weeks of the  
 81 date of injury or occupational disease arising out of and in the course of employment;

82 (ii) Maintenance, repair, revision, replacement, or removal of a spinal cord stimulator  
 83 or intrathecal pump device, provided that such items were originally furnished within  
 84 400 weeks of the date of injury or occupational disease arising out of and in the  
 85 course of employment; and

86 (iii) Maintenance, repair, revision, replacement, or removal of durable medical  
 87 equipment, orthotics, corrective eyeglasses, or hearing aids, provided that such items  
 88 were originally furnished within 400 weeks of the date of injury or occupational  
 89 disease arising out of and in the course of employment.

90 (B) For the purposes of this subsection, the term:

91 (i) 'Durable medical equipment' means an apparatus that provides therapeutic  
 92 benefits, is primarily and customarily used to serve a medical purpose, and is reusable  
 93 and appropriate for use in the home. Such term includes, but shall not be limited to,  
 94 manual and electric wheelchairs, beds and mattresses, traction equipment, canes,  
 95 crutches, walkers, oxygen, and nebulizers.

96 (ii) 'Prosthetic device' means an artificial device that has, in whole or in part, replaced  
 97 a joint lost or damaged or other body part lost or damaged as a result of an injury or  
 98 occupational disease arising out of and in the course of employment."

99 **SECTION 4.**

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

102 "34-9-261.

103 While the disability to work resulting from an injury is temporarily total, the employer shall  
104 pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the  
105 employee's average weekly wage but not more than ~~\$575.00~~ \$675.00 per week nor less  
106 than \$50.00 per week, except that when the weekly wage is below \$50.00, the employer  
107 shall pay a weekly benefit equal to the average weekly wage. The weekly benefit under  
108 this Code section shall be payable for a maximum period of 400 weeks from the date of  
109 injury; provided, however, that in the event of a catastrophic injury as defined in  
110 subsection (g) of Code Section 34-9-200.1, the weekly benefit under this Code section shall  
111 be paid until such time as the employee undergoes a change in condition for the better as  
112 provided in paragraph (1) of subsection (a) of Code Section 34-9-104."

113 **SECTION 5.**

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

116 "34-9-262.

117 Except as otherwise provided in Code Section 34-9-263, where the disability to work  
118 resulting from the injury is partial in character but temporary in quality, the employer shall  
119 pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the  
120 difference between the average weekly wage before the injury and the average weekly  
121 wage the employee is able to earn thereafter but not more than ~~\$383.00~~ \$450.00 per week  
122 for a period not exceeding 350 weeks from the date of injury."

123 **SECTION 6.**

124 Said chapter is further amended in Code Section 34-9-265, relating to compensation for death  
125 resulting from injury and other causes, penalty for death from injury proximately caused by  
126 intentional act of employer, and payment of death benefits where no dependents found, by  
127 revising subsection (d) as follows:

128 "(d) The total compensation payable under this Code section to a surviving spouse as a sole  
129 dependent at the time of death and where there is no other dependent for one year or less  
130 after the death of the employee shall in no case exceed ~~\$230,000.00~~ \$270,000.00."

131 **SECTION 7.**

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