

## GEORGIA WORKERS' COMPENSATION OVERVIEW

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### O.C.G.A. SECTIONS:

34-9-261      **TEMPORARY TOTAL DISABILITY ("TTD")**  
 2/3rds of Average Weekly Wage ("AWW") up to maximum of rates as set out in chart below.  
**\*Note: Limit of 400 weeks (from date of accident) unless injury is catastrophic for date of accident after 7/1/1992**

34-9-262      **TEMPORARY PARTIAL DISABILITY ("TPD")**  
 2/3rds of difference between pre-injury AWW and return to work wage up to maximum rates as shown below.  
**\*Note: Claimant only entitled to TPD if work restrictions apply. No TPD if released to normal duty work.**  
**\*Note: Limited to 350 weeks from date of accident.**  
**\*Note: Please see TPD payment requirements in Rule 262 if utilizing WC-104 reductions.**

BENEFIT	7/1/2007	7/1/2006	7/1/2005	7/1/2003	7/1/2001	7/1/2000	7/1/1999	7/1/1997	7/1/9 196	7/1/199 4	7/1/199 2
TTD	500	450	450	425	400	375	350.00	325.00	300.00	275.00	250.00
TPD	334	300	300	284	268	250	233.33	216.67	192.50	192.50	175.00
DEATH	150,000	150,000	125,000	125,000	125,000	125,000	100,000	100,000	100,000	100,000	100,000
FUNERAL	7,500	7,500	7,500	7,500	7,500	7,500	7,500	5,000	5,000	5,000	5,000

34-9-263      **PERMANENT PARTIAL DISABILITY ("PPD")** (Sometimes referred to as "impairment rating")  
 Based upon rating given by Authorized Treating Physician in accordance with *AMA Guides*, 5<sup>th</sup> Edition. Dollar value based upon formula:  
**Number of weeks shown in 34-9-263 x % rating = Number of weeks PPD is to be paid.**  
**Number of weeks to be paid x TTD rate = Total PPD entitlement.**

**Number of Maximum Weeks Per Body Part Loss:**

<u>Body Part</u>	<u>Maximum Weeks</u>	<u>Body Part</u>	<u>Maximum Weeks</u>
Arm	225	Little Finger	25
Leg	225	Great Toe	30
Hand	160	Any Toe other than the great toe	20
Foot	135	Loss of hearing, traumatic	
Thumb	60	One ear	75
Index Finger	40	Both ears	150
Middle Finger	35	Loss of vision of one eye	150
Ring Finger	30	Disability to the body as a whole	300

34-9-221      **PAYMENT OF BENEFITS**

- 1) **Initiation** - within 21 days of notice of injury.
  - complete and file either WC-1 Section B or WC-2
  - payments thereafter in weekly installments.
  - may, by agreement, pay by electronic funds transfer
- 2) **Penalties**
  - 15% of past due if paying without Board Order.
  - 20% of past due of amount specified by Board Order.
- 3) **Suspension**
  - actual Return to Work ("RTW") - immediate, unilateral suspension - file WC-2
  - release by treating physicians
    - normal duty - pay 10 day notice, file WC-2 with copy of release attached
    - light duty release:
      - (a) actual RTW - suspend immediately - file WC-2
      - (b) no actual RTW
  - **pre 7/1/92 injuries: no suspension without Court order; offer job in writing, file Motion (WC-102D) to Suspend and Request for Hearing (WC-14)**
  - **7/1/92 to 7/1/94 injuries:**
    - (i) **serve WC-104 on claimant and file with Board. If no RTW with 52 weeks (rates in Rule 262 while continuously on light duty release), suspend TTD by WC-2; commence TPD at by WC-2**
    - (ii) **light duty job offer - if refused, file Motion (WC-102D) to Suspend and Request for Hearing (WC-14)**
  - **7/1/94 - present injuries:**
    - (i) file WC-104 advising of light duty. Same suspension provisions as above.
    - (ii) light duty job offer.
      - (a) Obtain approval of job description from treating physician within 60 days of last medical visit.
      - (b) Offer to claimant in writing by WC-240.
      - (c) If offer refused, file WC-2 suspending benefits along with a copy of WC-240.  
 If offer accepted, immediately suspend by filing WC-2.  
**\*Note: Claimant is allowed 15 working days to try job. If claimant ceases work before then, you**

**MUST resume TTD by filing WC-2. Failure to do so means that you waive your defense that the job was suitable.** You may request hearing if you think claimant unreasonably refusing. After 15 working days, burden is on claimant to request a hearing.

4) **Controverting Entitlement:**

- within 21 days of notice by completing Section C of WC-1 or WC-3 if benefits paid less than 60 days
- after payment of benefits without award for more than 60 days from due date of first income benefits (i.e., at least 81 days from notice), file WC-3 suspending with showing of either change of condition or newly discovered evidence
- BEWARE OF Cartersville Ready Mix v. Hamby - payment of some benefits may void controvert

34-9-82

**STATUTES OF LIMITATION:**

- No medical or income payments made: File WC-14 with Board within one year.
- Payments made: File WC-14 with Board within one year from last **remedial** medicals provided or two years from last income benefits

34-9-104

**CHANGE OF CONDITION:** within two years from last TTD/TPD actually paid

**\*Note: for pre 7/1/1990 injuries, non-payment of TTD/TPD/PPD potentially due to the claimant will toll statute of limitations under Section 34-9-104.**

- PPD within four years from last TTD/TPD actually paid for post 7/1/1992 injuries.
- Rule 104 conversion to TPD - file WC-104 within 60 days of light duty release if not catastrophic. Convert to TPD after 52 consecutive or 78 aggregate weeks. Post injury AWW assumed to be zero. Therefore pay TPD at maximum rate unless TTD rate is less than maximum. If actual TTD rate is less than TPD maximum, continue TTD rate but classify as TPD subject to 350 weekly limitation.

34-9-265

**DEATH BENEFITS:**

1) **Dependency.** (34-9-13)

- i) If dependency is established for surviving spouse and minor children, or surviving minor children, pay TTD rate until:
  - (a) wife remarries or cohabitates in a "meretricious" (romantic) relationship or 400 weeks or age 65, whichever occurs later; if children still dependent, pay same TTD to children.
  - (b) child over age of 18 years and not post-secondary student, or until child is 22 years of age if post-secondary student.
  - (c) if spouse lived separately within 90 days of death, presumption is rebuttable.
- ii) Spouse as sole surviving dependent: Same rule and stipulations as in 1(a), but to maximum rates as shown in chart above.

**\*Note: If TTD has been paid prior to date credit allowed against benefit maximums to be paid for last date related to injury.** If death unrelated to injury, no further benefits.

2) **Medical Expenses:** From last illness related to injury paid per fee schedule.

3) **Funeral Expenses:** Up to maximum rates as shown in chart on previous page.

34-9-11.1

**SUBROGATION: For Injuries Occurring After 7/1/1992:**

- 1) Is someone else at fault? If yes, No. 2
- 2) Is party at fault employer or co-employee? If not, No. 3.
- 3) Notify third-party of lien and sue within two years of accident date.

34-9-100

Any claim not heard by Board within five years is automatically dismissed.

34-9-203

**PAYMENT OF MEDICAL EXPENSES**

Pay within 30 days of receipt of bills (UB-92 forms properly completed; WC-20 no longer required) and all records to support those bills. If proper documentation not received with bill, must request it within 30 days. Once received, pay:

- Physician charges per CPT Codes in Fee Schedule
- In-patient hospital charges per DRG Codes in Fee Schedule
- Out-patient hospital charges at ICD-9-CM Code in Fee Schedule
- Home attendant care (level of care must be specified by treating physician)
- Board Rule 205 -- Respond to WC-205 request for advance authorization within **5** business days and, if denied, file controvert within 21 days or treatment is deemed authorized.
- Must advise in writing why bills not paid, including need for additional information or defense to bill is waived.
- Penalties on medicals:
  1. After 30 days - 10%
  2. After 60 days - 20%
  3. After 90 days - 20% penalty **plus** 12% per annum

34-9-350

**SUBSEQUENT INJURY TRUST FUND:**

- 1) Did employer know before the subsequent injury?
- 2) Did employer consider pre-existing condition a hindrance to employee or is condition one of those in 34-9-361?
- 3) Did pre-existing condition cause second injury to occur or does client have a greater overall disability from the "combined effects" of the two?
  - If yes to all three questions above, notify Subsequent Injury Trust Fund ("SITF") by filing Notice of Claim before 78 weeks of disability have been paid or before 78 calendar weeks from date of accident, whichever occurs later.

34-9-362

- 1) Sunset of the Fund: no claims will be accepted for dates of injury after 6/30/2006.
- 2) Any claim not subject to a reimbursement agreement issued by the SITF and approved by the Board, or not on appeal of a denial by the SITF, by no later than 6/30/2009, will stand automatically denied.

34-9-15

**STIPULATED SETTLEMENT (LIABILITY OR NO LIABILITY)**

-Pay settlement amount within 20 days [17 days if check(s) coming from out of state] or face 20% penalty.

**LITIGATION AND APPEALS**

Board Rule 61

- Retain counsel within 20 days of hearing notice being issued or subject to \$250 penalty
  - Unreasonable defenses – attorneys fee **and** expenses
  - Appeals – judgement subject to 12% interest on appeals beyond Appellate Division
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