The Most Important Things to Know

C.S.S
CUZDEY, STINE & SANSALONE, LLC
ATTORNEYS AT LAW

You can settle at any time for any reason. Georgia is a very pro-settlement state. MMI is NOT required. In addition, we are set up to quickly facilitate any settlement you reach for a flat fee of **$500**. We normally can get the settlement documents (called a ***Stip*** in GA), out to Claimant's counsel or the Claimant the same day you settle the case. Once we get the signed documents back from the Claimant or Claimant's counsel, we normally can acquire approval from the State Board quickly. Also, to draft the settlement documents, we simply need the settlement terms and the WC-1 (FROI) and the latest medical record, assuming a Liability (income benefits paid) case. If you do not have a WC-1, we can create one for you. We only need the settlement terms if a No Liability (no income benefits paid) case.

The Panel of Physicians is extremely important, and if the Employer does not have a valid Panel, the Claimant can choose any doctor they desire as the authorized treating physician. Panels require at least SIX (6) medical providers with at least one being an orthopedic specialist and no more than two occupational clinics. We have Panels already created for essentially every city in Georgia and can provide you the same anytime. We also have recommendations for IME's across the State. In an accepted claim, the Claimant is allowed one free change on the Panel during the pendency of the claim.

Authorized treating physicians are given great weight and UR is not respected by the Georgia Board. Certainly, UR and IME's are used to create leverage for settlement and/or a reason for denial, but just be aware that if the issue is litigated, the Administrative Law Judges come down heavily on the side of authorized treating physicians.

The maximum workers compensation rate is now $800 per week as of 7/1/23 for TTD and $533 per week for TPD. It was $725 per week for TTD and $483 for TPD for any date of accident from 7/1/22 to 6/30/23. Prior to that it was $675 for TTD and $450 for TPD.

Suspension of income benefits normally requires 10 days' notice on the proper forms with the supporting medical attached. Failure to do so makes the suspension invalid, unless the Claimant has actually returned to work.

The only ways to suspend income benefits in GA are: to acquire a normal duty release or statement from the authorized treating physician indicating the Claimant is back to baseline; or the Claimant actually returns to work; or the case settles.

Your two biggest tools to force cases to closure are the "104 Process," which reduces TTD to TPD; and the "240 Process," which forces the Claimant to return to work with the Employer at an approved light duty job. We have step by step explanations on how to execute both.

Impairment ratings are only assigned by the authorized treating physician and are owed on accepted cases regardless of any other issues. Impairment ratings, which can be paid weekly or in a lump sum, are owed within 21 days of the rating, but only IF TTD/TPD have ended. You can't pay both at the same time. Impairment ratings by the authorized treating physician are presumed correct and need not be approved by the Board.

A MMI conclusion does not allow you to suspend benefits in GA and is basically meaningless until it is time to pay the PPD benefits and/or in evaluating settlement value. However, **neither** MMI nor an impairment rating are required for settlement. You can settle in GA at any time for any reason.

Both indemnity and medical are capped at 400 weeks for any date of accident after 7/1/13. Prior to that, medical was lifetime. However, as of 7/1/19, durable medical equipment and prosthetic devices are no longer subject to the 400-week cap and create lifetime liability for any claims with a date of accident of 7/1/13 or later.

Employer/Insurers have 21 days to accept or deny a case and there is a 7-day waiting period on initiating income benefits. However, you can still controvert an accepted claim if you acquire evidence to do so within 81 days of the date of accident.

Cumulative trauma injuries are compensable in GA (assuming they are the result of the employment), but idiopathic injuries can be successfully defended. Unfortunately, recent case law makes the defense of idiopathic injuries more difficult in GA.

Aggravations of a pre-existing conditions are compensable in GA until the Claimant returns to baseline.

AWW is calculated using the 13 weeks of wages prior to the date of accident. The workers compensation rate is 2/3 the AWW.

Claimants receiving benefits are allowed an IME at the Employer/Insurer's expense in GA with the physician of their choice. The fee schedule amount is $1,200 and the Claimant must request the IME within 120 days of receiving income benefits.

Claimant's must sign a medical release form (Form WC-207). Failure or refusal to do so can prevent their entitlement to receive workers compensation benefits in GA.

The mileage rate is 45 cents per mile and must be paid within 15 days of proper submission to the Employer/Insurer.

Ex Parte communications with doctors ARE allowed in Georgia.

Safety Violation Defenses Are Very Weak in Georgia. The basic rule is that: *"Standing alone, the mere violation of the employer's instructions or the mere doing of a hazardous act in which the danger is obvious cannot constitute willful misconduct by an employee barring the employee from receiving workers' compensation…"* However, such a defense can be used for a "Deny and Buy" scenario since it is so easy to settle in Georgia.

Idiopathic Defenses Are Difficult in Georgia. The basic rule is that: *if the Claimant is injured performing an action required for the job, the case is normally compensable.* However, such a defense can be used for a "Deny and Buy" scenario since it is so easy to settle in Georgia.

Subrogation Liens are extremely difficult to collect. Georgia is a "made whole" state and there are a long list of court cases preventing an Employer/Insurer from collecting on a subrogation lien. Of course, we still recommend utilizing the lien to our advantage, which usually consists of later waiving the lien for a lower workers compensation settlement. This prevents unnecessary and useless litigation costs and provides real dollars and value to the lien, plus helps close the file.

Telemedicine Medical Providers are Completely Acceptable as a Panel medical provider as long as you still have at least 6 other standard/traditional medical providers on the Panel of Physicians.

Medical providers must properly submit medical bills within one year of the date of treatment or they are time barred.

Most importantly, call your C.S.S. attorney.