

# CLAIMSCENE

A Publication of the ACA  
September/October 2019



## Join us at The Upcoming ACA Webinar!

**"The Most Important Things to Know for Georgia Workers' Compensation Adjusting."**

**Tue, Nov 12<sup>th</sup>, 2019 ~ 12:00 PM - 1:30 PM EST**

Please join us from your computer, tablet or smartphone at the below link:

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Membership runs a full calendar year, January through December.

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# Letter from The President

## Adolphus Drain



Wow!!!! What a great time was had by all at the Annual ACA Fall Bowling Outing on Thursday, October 17<sup>th</sup> at Bowlmor in Dunwoody, GA.

We had over 75 attendees and all lanes were filled! Special thanks to our Events Chair, Jennifer Herring, for putting together a great outing. Super special thanks to Angela Patman for making sure things ran smoothly. We would also like to thank our sponsors for supporting and providing some nice raffle items.

I won't discuss who won the battle between Hot Sauce and Black Beauty!

We had a last-minute cancellation for the October webinar and we will reschedule it. This month's webinar will be on November 12, 2019 during the lunch hour. Zon Stine of Cuzdey, Ehrmann, Stine and Sansalone, LLC will be our host. Zon will focus on ways to improve Workers' Compensation claim handling. As always, CEU credits will be available. Check out all the details on page one.

We are right at 50% of our goal of 100 new ACA Members. Please reach out to your colleagues and ask them to join us. We would like to increase the number of liability and property members in the group to expand our presence.

Stand by for an announcement about the ACA Christmas Bash. I hear it's going to be a nice event!

As we enter the Thanksgiving season, I encourage everyone to take some time to express thanks to your loved ones, family, co-workers and leaders for all the things they do to make your life better. Say a special thanks for the little things in your life that we often ignore. Eat, drink and be merry and exercise a little.

See ya soon!!!  
Adolphus Drain aka PACA



# ACA Bowling Event 2019!

A great time was had by all at the Atlanta Claims Annual Fall Bowling Outing!

Thank you to our sponsors! We appreciate your support!

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For more Bowling Outing photos, check out the ACA Photo Gallery page:

[ACA Photo Gallery](#)



## LEGAL CORNER

### The Most Important Things to Know for Georgia Workers Compensation Adjusting:

by Attorney Zon Stine

Cuzdey, Ehrmann, Stine & Sansalone



1. **You can settle at any time for any reason.** Georgia is a very pro-settlement state. MMI is NOT required. Normally settlement documents (called a Stip in GA), can be prepared and go out to Claimant's counsel or the Claimant the same day you settle the case. Once the signed documents are returned by the Claimant and filed with the State Board settlement Unit, approval is usually acquired from the State Board within 2-5 days. Also, to draft the settlement documents, the only things needed are the settlement terms, WC-1(FROI) and the latest medical record, assuming a Liability (income benefits paid) case. Only the terms are needed to draft a settlement if a No Liability (no income benefits paid) case.
2. **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. A valid Panel consists of at least 6 medical providers, inclusive of at least one Orthopedic physician and no more than two industrial clinics. However, having at least two orthopedics, a neurologist and a pain management specialist is recommended. In an accepted claim, the Claimant is allowed one free change on the Panel during the pendency of the claim.
3. **Authorized treating physicians are given great weight** and UR is not respected by the Georgia Board. Certainly, UR and IME's can be useful to support a position 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.
4. **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.
5. **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; the Claimant actually returns to work; or the case settles.

Legal Corner Continued:

6. **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.
7. **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.
8. **An 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.
9. 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 for any claims with a date of accident of 7/1/13 or later.**
10. **Employer/Insurers have 21 days to accept or deny** a case and there is a 7 day waiting period on initiating income benefits.
11. The maximum workers compensation rate is now **\$675 per week (TTD) and the maximum TPD rate is \$450 per week as of 7/1/19.** Prior to that time (7/1/16 – 6/30/19) it was \$575 per week for TTD and \$383 per week for TPD.
12. **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. Specifically, if the Claimant is required to perform a physical motion or action for their job and is injured while performing that motion/action, the case is likely compensable.
13. **Aggravations of a pre-existing conditions are compensable** in GA until the Claimant returns to baseline.
14. **AWW is calculated using the 13 weeks** of wages prior to the date of accident. The workers compensation rate is 2/3 the AWW.
15. **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.
16. **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.
17. **The mileage rate is 40 cents per mile** and must be paid within 15 days of proper submission to the Employer/Insurer.
18. **Ex Parte communications with doctors ARE** allowed in Georgia.



## *New Members for September & October*

**Asa Anderson**

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**Ashley Rice**

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HomeFree Home Modification  
Marketing Director

**Thea Nanton-Persaud**

Swift, Currie, McGhee & Hiers  
Senior Attorney

**Zain Haq**

Cuzdey, Ehrmann, Stine & Sansalone, LLC  
Attorney



## In Memoriam

Our deepest condolences to the family and friends of Ray Jackson who lost his battle with cancer September 17<sup>th</sup>. Ray has been part of the workers' compensation community for over 20 years and he will be sorely missed.

For submissions to the ACA ClaimsScene, please contact Newsletter Chair Angela Patman at:

[angela.patman@thehartford.com](mailto:angela.patman@thehartford.com)

Would you like to be in, or recommend someone for the newsletter Member Spotlight feature? Download the questionnaire below and submit to Angela at the above email address.

[Spotlight Questionnaire](#)



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