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LLP

2015 LEGISLATIVE CHANGES

Below is a brief summary of the 2015 legislative changes to the Georgia Workers' Compensation Act. This is part of our continuing effort to keep you up to date on all new developments in the Georgia Workers' Compensation Act and the rules that support the Act itself. We hope you find this helpful.

The General Assembly passed HB 412, and Governor Deal signed it into law on May 6, 2015. It will go into effect on July 1, 2015. Here are the changes:

1. INDEMNITY BENEFITS

- The maximum TTD rate will increase from \$525 to \$550 per week;
- The maximum TPD rate will increase from \$350 to \$367 per week; and
- The death benefit, when there are no other dependents, will increase from \$150,000 to \$220,000.

2. SITF

The sunset date for the dissolution of the Subsequent Injury Trust Fund (SITF) has been changed from 2020 to 2023. There will still be payments made after 2023 but not through SITF.

3. THE CONFORMED PANEL

The "Conformed Panel of Physicians" as one of the three options for furnishing medical care is no longer available for satisfying the statutory requirements. The traditional panel and the "Managed Care Organization" panels remain as viable options.

4. EXCLUSIVE REMEDY

HB 412 also addresses the Court of Appeals decision in *Pitts v. City of Atlanta*. In the *Pitts* decision the Court held where there was a breach of contract by a sub-contractor, a claimant may recover both workers' compensation benefits and civil damages. This decision potentially limited the scope of the exclusive remedy doctrine for Georgia employers. However, HB 412 clarifies that unless the contract specifically enhances work injury benefits, exclusive remedy still applies, stating that "the employer may be liable to the employee for rights and remedies beyond those provided in [the Workers' Compensation Act] by expressly agreeing in writing to specific additional rights and remedies."

Attached please find a copy of HB 412 and this summary for your convenience.