

Nuts and Bolts of Workers' Compensation

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Workers' Compensation Subjects

- ◆ Treatment covered
- ◆ Authorized Treating Physician
- ◆ Authorization of treatment
- ◆ Change of ATP
- ◆ Payment for medical services
- ◆ IME's
- ◆ Basics of non-medical benefits

I. Treatment Covered

- ◆ Medical, surgical, hospital care, etc.
- ◆ Prescribed by a licensed physician
- ◆ Reasonably required
- ◆ Appear likely to:
 - ✦ effect a cure
 - ✦ give relief, or
 - ✦ restore employee to suitable employment

A. Determination of Necessity

- ◆ Medical issue
- ◆ Tests for causation covered
 - ✦ Rule 205(b)(1)(b)(4)

B. Prescription Drug Coverage

- ◆ Generic prescriptions required
- ◆ Prescription required to state WC
- ◆ Doctor's handwriting required for brand specific
- ◆ Payment under the Fee Schedule

C. Communication

- ◆ No confidentiality
 - ✦ O.C.G.A. 34-9-207
 - ✦ Form WC-207, medical authorization
 - ✦ HIPPA excludes workers' compensation
- ◆ Arby's Restaurant Group, Inc. v McRae, GA Supreme Court
- ◆ Testimony/Depositions

II. Selection of Authorized Treating Physician

- ◆ Panel of Physicians
- ◆ Failure to post Panel
 - ✦ Employee can select any physician
 - ✦ Employee may change to any physician once
 - Rule 201(c)
 - ✦ Fine up to \$1000

◆ WCMCO

A. Panel of Physicians

- ◆ **Traditional panel or Conformed panel**
 - ✦ **May accept the services of a physician selected by the employer**
 - ✦ **Or may select another physician from the panel**
- ◆ **WC MCO**
 - ✦ **Receive services in the manner prescribed by the contract**

A. Panel of Physicians

◆ Traditional panel

- ✦ **At least 6 unassociated physicians**
- ✦ **One orthopedic**
- ✦ **Maximum 2 occupational clinics**
- ✦ **One minority physician (Rule)**

◆ Conformed panel (Rule 201(a)(2))

- ✦ **At least 10 unassociated physicians**
- ✦ **General surgeons & chiropractors**

B. Requirements

- ◆ Post in prominent places;

AND

- ◆ Take reasonable measures to assure employees:
 - ✦ Understand function and right to select a physician
 - ✦ Receive assistance in contacting panel physician



C. Authority of ATP

- ◆ No prior authorization required
- ◆ Arrange for
 - ✦ consultations
 - ✦ extraordinary or other specialized services
- ◆ Only ATP may make referrals
- ◆ Must approve release to return to work

D. Controverted Claims

- ◆ Can not restrict medical treatment
 - ✦ Rule 201(b)
- ◆ Later compensable
 - ✦ Employee picks one treating physician
 - employee required to give notice
 - ✦ Allowed one change without approval

III. Treatment Authorization

- ◆ No pre-authorization required by ATP
 - ✦ Rule 205(b)(2)
- ◆ If pre-authorization requested - Rule 205(b)(3):
 - ✦ Verbal request customary but no response required
 - ✦ WC-205:
 - An authorized medical provider
 - By fax or email to insurer/self-insurer
 - Response required within 5 business days
 - Failure to respond authorizes the treatment or testing
 - But!

Challenges to ATP Treatment

- ◆ UR, UCR & peer to peer reviews
- ◆ State Board Peer Review
 - ✦ **State Board peer review available**
 - Available for charges not contained in the Fee Schedule that are disputed as not UCR
 - Fee Schedule reduced fee
 - Coding issues
 - ✦ **Mediation then available**

IV. Change of ATP

- ◆ One change on the panel
- ◆ Order from the State Board required
- ◆ Rule 200(b)
 - ✦ Agreement Order {WC-200a}
 - ✦ Dispute requires motion or hearing
- ◆ Estoppel

V. Payment of Medical Bills

- ◆ Fee Schedule = UCR
- ◆ Proper reports required
 - ✦ Form WC20a
 - ✦ HFCA 1500
 - ✦ Proper documentation
 - ✦ No charge for reports
- ◆ If not supported must be notified
- ◆ Automatic reduction to Fee Schedule

Fee Schedule

- ◆ Presumed UCR
- ◆ Legible notes required
- ◆ Automatic reduction to Fee Schedule
- ◆ Payment within 30 days
 - ✦ Penalties automatic
 - ✦ 10% after 30 days
 - ✦ 20% after 60 days
 - ✦ Plus 12% interest after 90 days

VI. Independent Medical Evaluations

- ◆ Employer and Insurer requested
- ◆ Claimant requested
- ◆ Types authorized
 - ✦ Medical, psychological
 - ✦ FCE can be a part of an IME
- ◆ Payment governed by Fee Schedule
- ◆ No physician/patient relationship

A. IME by Employer and Insurer

- ◆ No limit to the number allowed
- ◆ Requires 10 days notice to employee
- ◆ Refusal or obstruction prohibited

B. IME by Claimant

- ◆ **One time only**
 - ✦ **Within 120 days of last weekly benefits**
 - ✦ **Within Georgia or 50 miles**
- ◆ **Physician designated by employee**
- ◆ **Notice in writing in advance**
- ◆ **Special rules**
 - ✦ **Repeat tests only if costs less than \$250**
 - ✦ **Pre-authorization required – notice to insurer**
 - ✦ **Pre-payment limited to \$600**

VII. Indemnity Benefits

- ◆ Temporary total disability (TTD)
- ◆ Temporary partial disability (TPD)
- ◆ Permanent partial disability (PPD)
- ◆ Catastrophic injury
- ◆ Permanent total disability

A. Temporary Total Disability Benefits

- ◆ **Maximum \$500/week (\$525 7/1/13)**
- ◆ **Maximum 400 weeks**
- ◆ **Ends**
 - ✦ **Actual return to work**
 - ✦ **Release to unrestricted work**
 - ✦ **Return to baseline in aggravation injuries**
 - ✦ **Change of status**

B. Temporary Partial Disability Benefits

- ◆ **Maximum \$335/week (\$350 7/1/13)**
- ◆ **Maximum 350 weeks**
- ◆ **Ends**
 - ✦ **Making previous wage**
 - ✦ **Return to baseline in aggravation injuries**
 - ✦ **Change of status**

C. Permanent Partial Disability Benefits

- ◆ **Maximum \$500/week (\$525 7/1/13)**
- ◆ **Scheduled value for body members**
- ◆ **Based on permanent impairment rating**
 - ✦ **Under AMA Guides, 5th ed. only**
 - ✦ **Assigned at MMI**
 - ✦ **Paid only when no other benefits are due**

D. Catastrophic Benefits

- ◆ TTD benefits to retirement age
- ◆ Not permanent but no status change
- ◆ Type of injury
 - ✦ **Spinal cord injury, amputation, severe brain injury, significant burns, blindness**
 - ✦ **“Social Security” category**
 - Can not do previous work
 - Not qualified for any other work

E. Physicians Role in Benefits

- ◆ **ATP/Consulting/IME**
- ◆ **Work status**
 - ✦ **Initial work restrictions**
 - ✦ **Review of job description**
 - ✦ **Return to Work**
- ◆ **Permanent impairment rating**
 - ✦ **Obligation of ATP**
 - ✦ **No additional charge allowed**

Questions ??

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