

2016 Legislative Updates

By T. J. Raimey July 7, 2016

During the last legislative session the Georgia General Assembly passed House Bills 216, 402 and 818. These pieces of legislation all revise the Georgia Workers' Compensation Act in some form or fashion. The following changes took effect on July 1, 2016.

- **Benefit Rates**

For all accidents occurring on or after July 1, 2016, the new maximum Temporary Total Disability rate is increased to **\$575.00** per week. The new maximum Temporary Partial Disability rate is increased to **\$383.00** per week. *O.C.G.A. §§34-9-261 and 34-9-262.*

- **Death Benefits**

The maximum compensation payable to a surviving spouse as a sole dependent at the time of the employee's death is increased to **\$230,000.00**. *O.C.G.A. §34-9-265(d).*

- **Qualifications for Self-Insurers**

A self-insured employer must "provide the board with sufficient information for the board to make an adequate assessment of the employer's workers' compensation exposure and liabilities." A self-insured employer must also "provide evidence satisfactory to the board of such employer's financial ability to pay the compensation directly in the amount and manner when due." *O.C.G.A. §34-9-121(a).*

- **Exclusion of Certain Entities from the Self-Insurers Guaranty Trust Fund**

Professional Employment Organizations (PEOs), Assigned Staffing Organizations (ASOs), or similar entities are no longer considered "self-insurers" to the extent that such organizations would not qualify for acceptance into the Self-Insured Guaranty Trust Fund. *O.C.G.A. §34-9-381.*

- **Firefighters' Exception for Cancer Diagnoses**

A firefighter can now secure workers' compensation benefits upon a showing by a preponderance of the evidence (more convincing than not), including medical evidence, that a cancer diagnoses is attributable to the firefighter's performance of his or her duties. *O.C.G.A. §34-9-280.*