

EMPLOYMENT LAW SUMMARY

Georgia Workers' Compensation – Employer Responsibilities



Workers' compensation is a system of no-fault insurance that provides monetary and medical benefits to employees or their survivors for work-related injuries, diseases or deaths. Workers' compensation is governed by state law.

The Georgia Workers' Compensation Act (WCA) establishes employer responsibilities relating to workers' compensation in the state. The [Georgia State Board of Workers' Compensation](#) (Board) investigates and enforces employer compliance with the WCA.

COVERAGE REQUIREMENTS

The WCA requires employers that have **three or more employees** in the same business to maintain workers' compensation coverage. Employers may satisfy the coverage requirement by obtaining an insurance policy from an authorized insurance carrier (or carriers) or by obtaining the Board's approval to self-insure. The WCA also allows groups of employers to pool their resources and organize as a self-insured group.

SELF-INSURANCE

A self-insured employer uses its assets, rather than an insurance policy, to secure its obligations under the WCA. Employers must obtain authorization to self-insure by applying to the Board.

An employer that applies for authorization must designate an office for handling workers' compensation claims in the state. The office must be staffed during normal working hours and the staff must be available for immediate telephone contact with the Board and the public through a toll-free telephone number.

Self-insured employers must also submit at least **\$250,000** as security to the Board. The Board determines the exact amount of the security deposit after reviewing the employer's application and financial statements. Once the Board issues a certificate to self-insure, the certificate is continuous unless the self-insured employer fails to meet any Board requirements.

POSTING REQUIREMENTS

Employers must post and maintain the following printed notices in a conspicuous place where employees can see and easily understand them in each business location:

- [Official Notice](#) regarding workers' compensation coverage, which must include the employer's Panel of Physicians or Managed Care Organization Procedures (discussed in further detail below); and
- [Bill of Rights for the Injured Worker](#), which provides a summary of injured employees' rights and responsibilities under the WCA.

RECORDKEEPING AND REPORTING REQUIREMENTS

Employers must keep a record of all injuries reported by employees. If an employee’s injury results in medical treatment or absence from work for more than seven days, the employer must file a report with the Board within **21 days** after receiving the employee’s notice of injury.

MEDICAL TREATMENT AND EXPENSES

Employers must provide employees with all reasonable and necessary medical treatment to treat work-related injuries. Employers also have a duty to assist injured employees in contacting medical providers when necessary. The WCA offers two methods by which employers can satisfy the requirements for furnishing medical care.

The first method requires employers to establish, maintain and post a list of six physicians (“**Panel of Physicians**”) who can provide treatment for employees’ work-related injuries. When an employee is injured, the employer may choose a physician from the list, and the employee must obtain all treatment for the injury from that physician. However, an employee who is not satisfied with the employer’s first choice may make one change to another physician from the list.

The second method allows self-insured employers or the insurance carriers of other employers to contract with a **Managed Care Organization** (MCO) that the Board has certified to provide medical care to injured employees. Employers who choose this method must post a notice about the medical providers and other information about the procedures for receiving medical care under the terms of the managed care contract. Employees who are injured must obtain treatment under those terms.

Once an employee receives treatment, the employer must pay the medical expenses directly to the treating provider within **30 days** after receiving an invoice and medical reports. In addition, employers must reimburse employees for mileage expenses associated with obtaining medical care within 15 days of receiving mileage claims from employees.

An employer that wishes to contest medical or mileage expenses must mail written notice that states the reasons for not paying the claim, either in whole or in part, and a written itemization of any documents or other information that may be needed to further process the claim.

BENEFIT PAYMENTS

Employers (through their insurance carriers, if applicable) must pay WCA benefits for an injured employee’s lost work time within **21 days** after first having knowledge of the injury. Thereafter, income benefits must be paid in weekly installments. An employer that does not pay benefits within the first 21 days must provide a written denial within the same time period in order to avoid penalties.

CLAIM REPORTING REQUIREMENTS

The WCA requires employers to file specific notices with the Board during the process of handling a workers' compensation claim. The table below lists many of the commonly required notices and provides a general overview of deadlines and events that trigger the requirements.

Notice	Form	Details
Employer’s First Report of Injury	WC-1	Must be mailed within 10 days after receiving notice of an employee’s injury that caused the need for medical treatment or disability from work for more than seven days.
Notice of Payment or Suspension of Benefits	WC-2	Required when commencing, suspending or amending weekly benefits payments to an employee or when a change in the employee’s disability status occurs after a WC-1 has been filed.
Notice of Payment or Suspension of Death Benefits	WC-2A	Required when commencing, suspending or amending weekly benefits payments to a deceased employee’s dependents or when making payments to the state in cases where the deceased employee has no dependents.
Notice to Controvert	WC-3	Required when contesting a claim for which a WC-1 has been filed with the Board.

Notice	Form	Details
Case Progress Report	WC-4	<p>Must be filed:</p> <ul style="list-style-type: none"> • Within one year of the first date of an employee's disability in both contested and accepted claims; • Within 30 days from the last income benefit payment when closing a claim; • Upon the Board's request; • Every 12 months from the date of the last WC-4 filing in all open cases; and • Within 30 days of a final payment made pursuant to a settlement approved by the Board.
Wage Statement	WC-6	Required when an employee's weekly income benefit rate is less than the statutory maximum.
Medical Report	WC-20(a)	Must be filed within 10 days after receiving medical records from the attending physician and must include a copy of the medical report.
Medical Release to Return to Work with Restrictions or Limitations	WC-104	Must be filed no later than 60 days after the date of the attending physician's medical release for an employee to return to work.
Notice to Employee of Offer of Suitable Employment	WC-240	<p>Must be:</p> <ul style="list-style-type: none"> • Provided to the injured employee at least ten days prior to the date the employee is scheduled to return to work pursuant to the treating physician's release; and • Filed with the Board along with a WC-2 when suspending benefits due to an employee's refusal of the suitable offer of work.
Wage Documentation of Temporary Partial Disability Payments	WC-262	Required when paying temporary partial disability (TPD) benefits based on an employee's actual return to work. Must be filed every 13 weeks while TPD benefits continue or when TPD is suspended, whichever comes first.
Request for Rehabilitation	WC-R1	<p>Must be filed:</p> <ul style="list-style-type: none"> • Within 48 hours of the employer's acceptance of a catastrophic injury as compensable; • Within 15 days of notification that rehabilitation is required; • When the employer requests a change in the rehabilitation supplier; • To request reopening of rehabilitation; and • Upon the Board's request.

ADDITIONAL RESPONSIBILITIES

In addition to the requirements summarized above, employers subject to the WCA must:

- Provide proof of compliance with coverage requirements upon the Board's request; A
- Allow the Board and its authorized representatives to enter and inspect all places of employment and all records pertaining to employment, payroll and injuries at any reasonable time;
- File a Consolidated Yearly Report of Medical Only Claims and Annual Payments on Indemnity Claims ([Form WC-26](#)) by March 1 every year;
- Furnish copies of medical reports to injured employees upon their request; and
- Pay benefits pursuant to an award or settlement approval issued by the Board within 20 days of the Board's order (unless timely appeal is filed).

MORE INFORMATION

Contact Heffernan Insurance Brokers or visit the Board [website](#) for more information on workers' compensation laws in Georgia.

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