



**MINUTES**

**RULES AND REGULATIONS**

**OF THE**

**STATE BOARD OF WORKERS' COMPENSATION**

The Board, pursuant to a motion duly made and seconded, has adopted Rule 59 and amended Rule 60. The enforcement date for the changes to the Rules is March 11, 2020.

This, the 11th day of March, 2020.

Frank R. McKay /s/  
CHAIRMAN

Benjamin J. Vinson /s/  
DIRECTOR

Terry H. Chastain /s/  
DIRECTOR

ATTEST:

Delece A. Brooks /s/  
EXECUTIVE DIRECTOR

## **Rule 59 Adoption and Amendment of Rules of the Board**

- (a) The Board may adopt or amend rules whenever deemed necessary. However, except in extraordinary circumstances, rule changes shall only be considered and adopted annually, to be effective on July 1 of each year.
- (b) No less than 45 days prior to the adoption, amendment, or repeal of any rule, the Board shall:
  - 1) Publish on the Board's website a notice consisting of an exact copy of the proposed new rule or in the case of an amendment to an existing rule, a copy which highlights all changes. The notice shall include a statement that interested persons will have 30 days within which to submit data, views, or arguments in writing regarding any specific proposed new rule or amendment.
  - 2) The Board shall consider fully all written submissions respecting the proposed new rule or amendment.
  - 3) At the discretion of the Board, input may also be received in other formats, including but not limited to public hearings.
  - 4) Provide a copy of the proposed new rule or amendment to the Chairman of the Board's Advisory Council and all members of the Board's Advisory Council.
  - 5) Provide a copy of the proposed new rule or amendment to the Chairman of the Senate Insurance and Labor Committee and the Chairman of the House Industry and Labor Committee. If requested by the Chairman of the Senate Insurance and Labor Committee or the Chairman of the House Industry and Labor Committee before the effective date of the adoption, amendment, or repeal of any rule, the Board shall hold a public hearing on the proposed changes.
  - 6) The notice process detailed in this rule shall be repeated one time for any specific proposed new rule or amendment that is changed by the Board following a public hearing. Notice of the public hearing shall be published on the Board's website no less than 7 days in advance of the public hearing.

**Rule 60. Assignment of Identification Numbers for Claimants; Form of Documents Submitted to Board; Enforcement Powers.**

- (a) Upon receipt of notice of a work-related injury, the Board shall assign a claim number. All subsequently filed forms, reports, or any other correspondence or documents related to or concerning such work-related injury shall have affixed thereto the assigned claim number, date of injury, and claimant's name. Failure to include this information with the filing may result in the rejection of the filing with the Board.
- (b) Written instructions on all workers' compensation forms are deemed to be included in these rules.
- (c) The Board shall have the power to issue writs of fieri facias in order to collect fines imposed by any member of the Board or any Administrative Law Judge against any person. Such writs may be enforced in the same manner as a similar writ issued by a superior court.
- (d) Pleadings, forms, documents, or other filings shall be filed with the Board electronically through ICMS or EDI, unless otherwise authorized in these Rules. However, in the event of an outage preventing an electronic submission and the time for filing is at issue, the document may be filed in paper or by facsimile with any Board office. Any filing by facsimile transmission must be clearly labeled with the name of the claimant, claim number, and Board division or employee to whom the facsimile transmission is directed. The certificate of service, showing concurrent service upon the opposing party electronically or by facsimile transmission shall be a part of any electronic or facsimile transmission. Failure to include a certificate of service shall invalidate the filing. All facsimile transmissions must be identical to the originals and must be legible. The Board, within its discretion, may transmit documents by facsimile or electronic transmission.
- (e) (1) Pursuant to Code Section 10-12-2 et seq, when a signature is required for any electronic filing with the Board, the party or attorney shall type his or her name in the appropriate fields on the document or Board form submitted for filing. Submission of a filing in this manner shall constitute evidence of legal signature by those individuals whose names appear on the filing. (2) Any party or attorney challenging the authenticity of an electronically filed document or electronic signature on that filing must file an objection to the document within 15 days of receiving the notice of the electronic filing. The burden shall be on the party challenging the authenticity of the signature.
- (f) In order to create a workers' compensation ICMS file at the Board, a form WC-1 or Form WC-14 shall be filed with the Board. Any document or form filed with

the Board, when either a Form WC-1 or Form WC-14 has not been previously filed, shall be rejected by the Board.

- (g) Only the original of any form, document, or other correspondence shall be filed with the Board. Duplicate originals shall not be filed with the Board. Where providing a courtesy copy to an Administrative Law Judge or the Board, that document shall be identified clearly and prominently as a courtesy copy.
- (h) Service upon a party or attorney of any form, document, or other correspondence shall be by electronic mail. Whenever electronic mail is not available, service shall be by U.S. Mail.
- (i) Any user of ICMS who agrees to comply with the ICMS "Terms and Conditions" and willfully violates those terms and conditions shall be in violation of these rules and subject to the assessment of civil penalties pursuant to O.C.G.A. § 34-9-18.