

## **State Board of Workers' Compensation 2024 Proposed Rules**

The State Board of Workers' Compensation expects to adopt the proposed rules changes listed below. These proposed rules changes have been recommended by consensus of the Rules Committee of the Board's Advisory Council.

***Strikethroughs = deletions; underlines = additions***

### **Rule 61(b)**

The bold paragraph in Rule 61(b) to be amended to be consistent with Rule 61(b)(59) and provide as follows: Anyone ~~using~~ **filing** a form with the Board must use the most currently revised version of the form.

### **Rule 105. Appeals to the Courts**

Rule 105(a) requiring simultaneous filing with ICMS at the time a petition for review is filed with the Superior Court is inconsistent with O.C.G.A. § 5-3-7(h) that allows filing with the lower court within 5 days after the filing of the petition for review in the Superior Court. In an effort to make the rule consistent with the statute, the second sentence of Rule 105(a) would be amended as follow:

A copy of the petition for review ~~shall~~ should simultaneously be filed electronically through ICMS, but in no event later than 5 days after the petition for review is filed with the Superior Court in accordance with O.C.G.A. § 5-3-7(h), which satisfies the requirement that a copy of the petition be served on the clerk of the Board.

### **Rule 203(e)-Travel Expenses**

Consensus has been reached to tweak the final sentences of Rule 203(e) to provide as follows:

Travel expenses shall include the actual cost of meals when total elapsed time of the trip to obtain outpatient treatment exceeds four hours. Where overnight travel is reasonably necessary, travel expenses shall include the actual reasonable cost of meals and lodging. Cost of meals shall not exceed ~~\$30~~ \$45 per day.

### **O.C.G.A. §23-9-221(b); Rule 221-Electronic payments**

Proposed rule to be added at the end of Rule 221(a):

Payments by electronic funds transfer shall be considered to be made at the time the payer initiates an Automated Clearing House (ACH) electronic funds transfer with its financial institution.

**Rule 226-Petition for Appointment of Temporary Conservator**

The Rules Committee is recommending that Rule 226(b) be amended to require the attachment of supplemental documentation required by Forms 226a and 226b.

Board Rule 226(b): Any applicant for conservatorship shall consent to a criminal history record check via a Form WC-226(a) or Form WC-226(b) at the time the petition for conservatorship is submitted to the Board. In addition, the applicant shall attach supporting documentation necessary to process the request, including, but not limited to, marriage certificate, birth certificates, death certificate, custody orders, child support orders and any other documentation requested by the Board. When a petition for appointment of temporary conservator for a legally incapacitated adult is submitted, an affidavit by a qualified physician who has recently examined the alleged legally incapacitated adult shall also be required in addition to the documentation listed above.