



Georgia Legislative Update: Legislature Passes Bill With Changes to Georgia Workers' Compensation Benefits and Procedure

The Georgia Legislature recently passed House Bill 480, which includes several substantive changes to both the law and procedure regarding workers' compensation benefits in Georgia. The bill now heads to the desk of Governor Kemp, where if signed, as it is presumed it will be, will take effect on July 1, 2023.

The bill calls for increases in the maximum Temporary Total Disability (TTD), Temporary Partial Disability (TPD) and Permanent Partial Disability (PPD) rates. The maximum TTD and PPD rates will increase from \$725.00 per week to \$800.00 per week, while the maximum TPD rate will increase from \$483.00 to \$533.00 per week. Consistent with these changes, the maximum benefit payable to a surviving spouse with no other dependents increases to \$320,000.00.

The bill also provides some clarity on when an unmarried partner may be entitled to dependency benefits in the event of the death of their partner. In such situations, while there remains no presumption of total disability, as exists in a marital relationship, dependency may be found and benefits may be awarded if the parties lived "continuously and openly in a relationship similar or akin to marriage." The claimant dependent can prove actual dependency based upon "the facts at the time of the accident, based upon evidence proving the deceased employee provided support of economic value to the claimant dependent, including, but not limited to, monetary support, sustenance or housing." The dependency must have existed for a period of three months at the time of the accident or otherwise no compensation is allowed. Similarly, the bill modified the requirements for terminating a surviving spouse's benefits by removing the prior "cohabitation in a meretricious relationship" standard, and replacing it with the "cohabitation continuously and openly in a relationship similar or akin to marriage" standard, which includes evidence of financial support, similar to what is required to establish dependency.

Finally, in HB 186, the Georgia Legislature clarified HB 916 from 2022 which slightly changed the procedure for an appeal of a decision of the Board to the superior courts. In the past, a notice of appeal to the superior court was filed with the Board. As of July 1, 2023 the parties will file a "Petition for Review" in the appropriate superior court and provide the Board with a copy of the filing.

If you have any questions regarding these changes, please contact a Swift, Currie, McGhee & Hiers attorney at 404.874.8800 or via our website, swiftcurrie.com.

The foregoing is not intended to be a comprehensive analysis of the full effect of these changes. Nothing in this notice should be construed as legal advice. This document is intended only to notify our clients and other interested parties about important recent developments. Every effort has been made to ascertain the accuracy of the information contained within this notice.

