

HIRING PROCESS

What Employers Must Know

INTERVIEW QUESTIONS

- Workers' Compensation Questions are Prohibited
- ADA issues

Post Offer Questionnaire

- Important for Rycroft Defense

ORIENTATION

Informing Employees of WC

BILL OF RIGHTS

- Must be posted.
- Must be explained to employees.

Panel of Physicians

Employers Must

(1) Post Panel

(2) In a Prominent Location

(3) Which is Accessible to All Employees

Panel of Physicians (continued)

- Employers must take all reasonable measures to ensure that all employees:
 - (a) Understand the function of the panel or WC/MCO members when necessary; and
 - (b) Are given assistance in contacting panel or WC/MCO members when necessary

Physicians on the Panel

- Must be Reasonably Accessible to Employees

PANEL PROCEDURE

- Employee may select a physician from the posted panel/network directory
- Emergency situations may preclude panel restrictions until the emergency status resolves
- Employee may select to make one (1) change of physicians to another panel or network physician
- In some cases, the State Board may order a change of physician at the request of the Employer, Employee or upon its own Motion

Controversion of the Claim

When a claim is controverted, the
Employer may not restrict the
Employee to the Posted Panel

Employer's Failure to Provide Panel Requirements

- Employee may select any physician to provide treatment and will also be entitled to one change of physician

Traditional Panel of Physicians

- Minimum of six (6) non-associated physicians
- At least one (1) physician must practice the specialty of Orthopaedic Surgery
- Maximum of two (2) industrial clinics
- At least one (1) minority physician

Conformed Panel of Physicians

- Minimum of ten (1) non-associated physicians
- At least one (1) physician must practice the specialty of Orthopaedic Surgery
- At least one (1) physician must practice the specialty of General Surgery
- At least one (1) physician must practice the specialty of Chiropractic Medicine
- Maximum of two (2) industrial clinics
- At least one (1) minority physician

Panel for Managed Care Organization Procedures

- Network of physicians under contract with WC/MCO
- A case manager must coordinate medical care from time of injury
- State Board certifies WC/MCO network by county

Panel for MCO Procedures (cont)

- Network must include
 - General medical physicians; and
 - Orthopedic surgeons (including hand/upper extremity specialists); and
 - Neurologists & Neurosurgeons; and
 - General surgeons; and
 - Chiropractors; and
 - Physical & Occupational therapists; and
 - Diagnostic pathology & laboratory services; and
 - Radiology services; and
 - Hospital, outpatient surgery & emergency care services
 - Minority physicians & practitioners

Notice of the Injury

- Injuries must be reported within 30 days.
- Injuries should be reported, in writing, whenever possible.

MEDICAL TREATMENT

- FMLA Requirements
- ADA Requirements

Light Duty Return to Work

- WC-240 Process

Drug and Alcohol Policy

- Establishing a Causal Connection with the Work Injury

Termination of the Employee

- *Padgett* Standard
- When a workers' compensation claimant who is on restricted duty due to a compensable injury is terminated by the employer with whom that injury occurred, the question simply becomes one of whether "the economic change for the worse is proximately caused by the work-related injury." Where the claimant is terminated for reasons wholly unrelated to the on-the-job injury, proof of a diligent job search allows the State Board to infer this critical causal connection.

Termination of the Employee (continued)

- *Maloney* Standard
- In *Maloney*, the Georgia Supreme Court held that for such employee to establish entitlement to income benefits, the employee the employee must establish by a preponderance of the evidence that she suffered a loss of earning power as a result of a compensable work-related injury; continues to suffer physical limitations attributable to that injury; and has made a diligent, but unsuccessful effort to secure suitable employment following termination.