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## State Board of Workers' Compensation Bill Passes in Senate by Vote of 51-0

Friends,

Senator Larry Walker of Perry, Georgia introduced Senate Bill 135 last week to the Georgia General Assembly – legislation developed by the Advisory Council of the State Board of Workers' Compensation. The Bill then passed out of the Senate Judiciary committee and passed on the Senate floor by a vote of 51-0, just days before the crossover deadline. As expected, SB 135 included provisions providing:

- A \$100 increase in the maximum weekly Temporary Total Disability income benefits (from \$575 to \$675);
- A \$67 increase in Temporary Partial Disability income benefits, (from \$383 to \$450); and
- An exception to the 400-week cap on medical benefits for certain prosthetic devices, spinal cord stimulators and certain durable medical equipment.

While, at first glance, a \$100 increase in TTD would not be beneficial, employer groups are supporting this increase in maximum weekly income benefits. According to 2017 data from the Georgia Department of Labor, two-thirds of the State's average weekly wage comes out to \$667 and the proposed increase will keep benefits for workers' compensation in line with state-wide trends.

Smaller, incremental increases have been rejected by representatives for claimant attorneys over the past several years. Their rejection has allowed the benefit gap to widen and, thus, necessitated change on a larger scale. Additionally, the ever-increasing gap further strengthened the argument of those in favor of ditching statutory benefits in favor of indexed benefits (those increasing automatically every year).

The Georgia General Assembly has now passed the halfway point of the 2019 legislative session. Fortunately, SB 135's passage through the Senate has quieted those in favor of indexed benefits.

In addition to increasing income benefits, SB 135 would also create an exception to the 400-week cap on medical benefits for non-catastrophic injuries. The bill would allow compensation beyond 400 weeks **for prosthetic devices, spinal cord stimulators and certain durable medical equipment with finite lifespans**. Of course, employer groups are strongly in favor of the 400-week cap on medical benefits for non-catastrophic injuries but have supported this exception for equipment clearly related to injuries which arose out of and in the course of employment.

SB 135 will now cross over to the House of Representatives to be reported, read and referred to committee likely by the end of the week.