

POSTED PANEL OF PHYSICIANS COMPLIANCE

The posted panel of physicians is one of the few tools the State Board of Workers' Compensation and the Legislature in Georgia give to employers. Unfortunately, in order to take advantage of the benefits of the panel, there are several very technical aspects of the law which must be followed. If any of these requirements are not met, the panel is considered invalid and the claimant can treat with any doctor he or she chooses. Since the claimant's attorney knows which doctor will keep the claimant out of work, this can mean a huge difference in the value of a case.

Below are some of the stipulations that the law requires and some tips that can help make sure the posted panel is valid.

O.C.G.A. § 34-9-201(b)(1) and Board Rule 201(a)(1)(I) require the following be present on a "traditional" posted panel of physicians:

1. A list of ***at least*** six physicians or professional associations which are reasonably accessible to employees.
2. At least one of the physicians must be an orthopedic physician.
3. No more than two of the clinics on the panel may be "industrial" clinics. Urgent care facilities and practices offering occupational medicine are considered to be "industrial" clinics.
4. One physician on the panel should be a minority physician. A minority physician is any physician who is a member of a group which has been subjected to prejudice based on race, color, sex, handicap or national origin.

Often, the claimant's attorneys will argue a posted panel is invalid by arguing that the number of qualified physicians and/or clinics on the panel is not sufficient. In fact, they often call the physicians on the panel to determine their practice type (industrial, orthopedic, etc.) and ensure at least one physician is an orthopedist, and no more than two clinics are "industrial." Unfortunately, the law is clear that if there are no orthopedic physicians on the panel, or there are more than two industrial clinics, the panel is invalid. Additionally, if the contact information for the clinic or physician is out of date or incorrect, the panel could be considered invalid by the State Board and the Employer/Insurer could lose control of the medicals.

Here are some additional suggestions for maintaining control of the medicals on a claim:

1. Post the panel of physicians in a conspicuous place and explain the purpose and function of the panel to ***every*** employee upon hire. Have the employee sign a statement that they were informed of the panel and explained its purpose. Also have the employee sign a copy of the panel and place the

signed copy in their personnel file. This is helpful when litigation arises and the employee denies having seen the panel.

We also recommend that **every** worker who alleges an at-work injury be required to sign a copy of the posted panel of physicians which is posted at the time they report the injury. It is also helpful to require them to circle, initial, and date the physician they choose for treatment. A copy of this should be made and given to the employee and another copy should be placed in their personnel file.

2. Contact your clinics and physicians once every three to six months to ensure the contact information remains accurate and that the provider still accepts workers' compensation patients.
3. Make any changes necessary to validate a panel **immediately**.
4. It is always good to have extra doctors on the panel. In the event that a physician has moved, or is no longer practicing, your panel remains valid. Remember, though, not to add additional industrial clinics to the panel. Any panel with more than two industrial clinics is invalid.
5. Get to know the physicians and clinics on the panel and have them get to know you. If the physicians on your panel are aware of the type of work done at your facility, they will be better able to tailor work restrictions to meet your needs and the needs of the employee.
6. Employers control the list of physicians on their panel. We suggest you select doctors who understand your company's policies on return-to-work and transitional duty. You may also remove and replace the doctors on your panel at any time.