

The Brown Report

Burdine & Brown | Workers' Compensation, Personal Injury, Disability Law | Gwinnett & Georgia

LAW OFFICES OF
**BURDINE &
BROWN**

A newsletter about workers compensation claims, personal injury claims, and social security disability claims.

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Attorney



Thomas F. Brown II

Do You Really Need A Lawyer For Your On The Job Injury?

Maybe **NO** if:

1. You haven't lost time from work (but watch out for the statute of limitations).
2. Your employer wants to put you back to work **and** is following all job restrictions associated with your injury.
3. The company doctor is responsive to your health concerns.

Maybe **YES** if:

1. You were fired after the accident.
2. The company doctor won't refer you to a specialist.
3. You are out of work and are not receiving the maximum weekly benefit amount under the law.
4. Your request for a one-time, completely independent medical exam was denied.
5. Your employer is making you do work outside your restrictions.

"Ambulance Chasers" Do you know one? Report them!

On July 1, 2014, a new law went into effect officially known as O.C.G.A § 33-24-53 and it makes it illegal for non-lawyer "runners" to solicit business (often car wrecks, personal injury clients) for a law firm or a healthcare provider. Check out the details on the Georgia General Assembly website.

The penalties defined in O.C.G.A § 33-24-53 are specific, severe and cover all participants in the criminal activity, including the lawyers, "runners", staff, chiropractor's offices, doctor/injury clinics, etc.:

- First offense-misdemeanor conviction, at least 30 days in jail, up to \$1,000 fine;
- Subsequent offenses-felony conviction, up to 10 years in jail, up to \$100,000 fine per violation.

Before this law went into effect, the only recourse was filing a Bar Complaint that based upon Rule 7.3 titled "Direct Contact with Prospective Clients." The State Bar of Georgia, if they wished to investigate, could recommend disbarment from practicing law. The actual punishment varied widely, based upon on violation frequency, cooperation of the lawyer with the State Bar of Georgia and other aggravating, or mitigating (lessening) factor. Furthermore, the accused attorney was typically allowed to practice law during the investigation. The investigation could drag on for a period of six months to one year or longer. The

deterrent simply was not significant enough because the money the lawyer and/or the doctor's office and/or the healthcare provider would receive from employing "runners" would often outweigh the risk/penalty.

With the passing of this new legislation effective July 1, 2014, consumers are better protected from this outrageous and illegal activity that seems to be occurring far too often. The State Bar of Georgia now has a better opportunity to expedite disciplinary action. District Attorneys have a law with some sharp teeth so they can go after the violators.

Lawyers in general (hopefully) gain credibility. You the consumer, and those attorneys that practice law the "right way" may now receive some relief because anyone may report violations with results that can be more predictable and swift.

Certainly clients and former clients can refer cases or their friends, relatives, and acquaintances, to me, your humble, competent and fun loving lawyer, but they cannot be paid for doing so. That is the law. Do not let this happen. It gives everyone a bad name! Report the violators.

The information contained here is not intended as legal advice. Your receipt of this newsletter does not mean we are your attorneys. If you need legal advice or an attorney, consult personally with a legal professional.

The Company Doctor is Not Necessarily Your Doctor

If you have been injured on the job, chances are you were told you had to be examined by a "panel physician." These doctors are listed on a "panel" that normally is posted in break rooms. Take a look at the form to the right. This is supposed to be posted prominently in every workplace. In most cases the doctors listed on the panel are chosen by your employer's insurance company.

Insurance executives have fought to keep the panel rule in place so that they can control an injured worker's medical treatment and the costs associated with that treatment.

Many injured workers have the unfortunate experience of going to a panel doctor and being told their injury is not that severe, or of having important diagnostic tests denied by the claims adjuster.

At Burdine and Brown we work hard to make sure your physician is fully informed about your case and that you receive all the necessary medical treatment that you deserve. This includes fighting for critically needed diagnostic testing, like MRIs.

Tom and his team constantly review and monitor medical care for their clients. We are known for (and take pride in) the time and effort we spend getting our clients quality medical care. We explore and use every available legal option to get you high quality medical care with experienced doctors well respected in their field. This is hard work but the results help you greatly.

Free Consultation

At Burdine & Brown there is no charge or fee to meet with us for an initial consultation about your situation.

Call: 770 | 623-6007

(This notice must be posted in a conspicuous place readily accessible to the employee at all times.)

OFFICIAL NOTICE

This business operates under the Georgia Workers' Compensation Law.

WORKERS MUST REPORT ALL ACCIDENTS IMMEDIATELY TO THE EMPLOYER BY ADVISING THE EMPLOYER PERSONALLY, AN AGENT, REPRESENTATIVE, BOSS, SUPERVISOR, OR FOREMAN.

If a worker is injured at work, the employer shall pay medical and rehabilitation expenses within the limits of the law. In some cases the employer will also pay a part of the worker's lost wages.

Work injuries and occupational diseases should be reported in writing whenever possible. The worker may lose the right to receive compensation if an accident is not reported within 30 days (see O.C.G.A. § 34-9-80).

The employer will supply free of charge, upon request, a form for reporting accidents and will also furnish, free of charge, information about workers' compensation. The employer will also furnish to the employee, upon request, copies of board forms on file with the employer pertaining to an employee's claim.

A worker injured on the job must select a doctor from the list below. The minimum panel shall consist of at least six physicians, including an orthopedic surgeon with no more than two physicians from industrial clinics (see O.C.G.A. § 34-9-201). Further, this panel shall include one minority physician, whenever feasible (see Rule 201 for definition of minority physician). The Board may grant exceptions to the required size of the panel where it is demonstrated that more than four physicians are not reasonably accessible. One change to another doctor from the list may be made without permission. Further changes require the permission of the employer or the State Board of Workers' Compensation.

State Board of Workers' Compensation
270 Peachtree Street, N.W.
Atlanta, Georgia 30303-1299
404-656-3818
or 1-800-533-0882
<http://www.abwc.georgia.gov>

name/address/phone	name/address/phone	name/address/phone
name/address/phone	name/address/phone	name/address/phone

(Additional doctors may be added on a separate sheet)
The insurance company providing coverage for this business under the Workers' Compensation Law is:

Name _____
address _____ phone _____

IF THIS BOARD DETERMINES THAT THE ABOVE BOARD OR INDUSTRY REPRESENTATION DOES NOT MEET THE REQUIREMENTS OF THE ACT, IT MAY ORDER THE BOARD TO RECONSIDER THE BOARD OR INDUSTRY REPRESENTATION. A worker making a false statement or knowingly providing a false statement is a crime subject to penalties of up to \$10,000 per violation (O.C.G.A. § 34-9-14) and/or imprisonment.

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Employers who fail to post a proper panel of doctors lose their right to control what doctors you see and you can then assert your choice of doctor.

Georgia is 1 of only 10 states that requires injured workers to use a designated panel doctor for medical care after an on-the-job injury.

About Tom Brown

Tom has been handling workers' compensation and disability claims since 1979. He is a founding member of the Workers' Compensation Claimants Lawyers



(WCCL) and an active member of the Georgia Trial Lawyers Association. He prides himself on changing injured workers' lives by fighting for the best medical care possible, which ultimately produces the best settlement for the injured clients he and his team represent.

Tom attends many seminars every year on many different subjects to stay current in their respective fields of practice. Over the past 18 years, Tom has organized and presented seminars exclusively for those lawyers who specialize in workers' compensation.

In his spare time, Tom and his wife have traveled to Uruguay, South America, as a representative of his church to help build and strengthen struggling local churches. He has been to Uruguay 21 times in the past 10 years and loves this work. He has made many friends over the years.

To My Readers: The article printed below was originally published in the newsletter titled Reflections in the September 2014 issue by Dr. Ken Boa, a wonderful theologian and longtime friend of mine. My lovely wife Carmen and I attend his free weekly lectures on Monday nights at Kellett Chapel, a part of Peachtree Presbyterian Church. I recommend these lectures to you as well. Please join us!! Ken's non-profit ministry in Atlanta has a website full of articles and lectures and books for one's personal spiritual growth. Check him out at www.kenboa.org. This article is quite interesting. Are these words missing in the sermons you hear from your church's pulpit?

Tolerance and Truth

"H. Richard Niehbur once described late nineteenth century liberalism in these remarkably succinct words: "A God without wrath brought men without sin into a kingdom without judgment through the ministrations of a Jesus without a cross." In recent decades, this distorted and emaciated gospel has also been seeping into the thinking and practice of popular Christendom. Terms like 'wrath,' 'sin,' 'judgment,' and 'cross' do not play well in a culture that has come to regard tolerance as more virtuous than truth. Through careful use of "text management," we selectively focus on biblical images we want to hear and avoid the things in Scripture that seem harsh to our modern ears. Notice how both John the Baptist and our Lord in His early Galilean ministry both proclaimed the same disturbing message: "Repent, for the kingdom of heaven is at hand" (Matthew 3:2; 4:17). How well do you think these words would go over in the average church today? We would be wise to consider how tightly we have been gripped by the cultural agendas of our times and renew our minds by aligning our thinking with the whole council of Scripture."

A teaching letter of Reflection Ministries - Dr. Ken Boa

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