

## A RESOLUTION

The Georgia Self Insurers' Association, Inc., an organization of companies concerned with Georgia's workers' compensation system, including some 150 employers who self insure their workers' compensation obligations, offers the following Resolution regarding the decision of the Georgia Court of Appeals in *McRae v. Arby's*.

*Whereas*, communication between physicians, employers, and claimants is essential to the delivery of medical care in workers' compensation cases, and

*Whereas*, communication between employers and treating physicians is essential to the authorization of medical treatment in workers' compensation cases, and

*Whereas*, communication between physicians and employers and their agents is necessary to develop return-to-work and light duty plans, and

*Whereas*, *O.C.G.A § 34-9-207* was enacted to "streamline the workers' compensation process and give employers easier access to employee's medical records related to workplace injury," and

*Whereas*, the statute was intended to provide prompt resolution of claims and prompt delivery of medical and income benefits, and

*Whereas*, the 4 to 3 decision of the Georgia Court of Appeals in *McRae v. Arby's* restricts the ability of employers and their agents to communicate orally with treating physicians and would thus "frustrate the purpose of the Act," and

*Whereas*, it is reasonable to presume "that the General Assembly meant what it said and said what it meant" in passing *O.C.G.A. § 34-9-207* requiring that employers have access to "all information and records related to the examination, treatment, testing, or consultation concerning the employee," and

*Whereas*, the statute "unambiguously requires a physician to disclose not just medical records, but also information..." related to the case, and that "the word "information" is generally understood to mean oral as well as written communications and

*Whereas*, the decision of the court will increase medical and legal costs associated with Georgia's workers' compensation system, as full depositions will replace simple phone calls as a means of gathering necessary information, and

*Whereas*, the decision could so disadvantage Georgia employers that job creation and job retention in the State would be adversely affected, and

*Whereas*, the decision will allow claimants' attorneys full communications with physicians while restricting the access of defense attorneys, thus creating an inequity within the workers' compensation system, THEREFORE

BE IT RESOLVED, that the Georgia Self Insurers' Association Board of Directors urges the Georgia General Assembly to reverse the decision of the Georgia Court of Appeals in *McRae v. Arbys*.

Barbara Barrett, Langdale Industries, Ch.

David Paulk, ACCG, Treas.

Jeanette Bass, Mohawk Industries

Susan Emerson, Delta Air Lines

Shirley Hinton, Crawford & Company

Robert Ingram, Moore Ingram Johnson & Steele

Brenda Ratcliff, Shaw Industries

John Fervier, Waffle House, emeritus

Eddie Kinnard, AgriTrust of Georgia, V.Ch.

Elizabeth Bailey, Waffle House

Connie Chandler, United Parcel Service

Sheldon Fram, C.W. Matthews Contracting Co.

Chris Hunt, Georgia Power Company

Penny Mote, CompTrends, Inc.

Sam Storey, WellStar Health System

