

TRANSPORTATION AND TRANSLATION

*By Chuck DuBose
(404) 446-4490
chuck.dubose@davidandrosetti.com*

It is becoming more common for claimants to request transportation and translation services as part of their medical treatment, so it is important for Employers and Insurers to know their rights and obligations concerning these services.

According to State Board Rule 203 (e), the “medical expenses” Employers/Insurers are required to pay on behalf of the claimant include, without limitation, the reasonable cost of travel between the claimant’s home and the place of examination, medical treatment, physical therapy, or pharmacy. When a claimant travels by private vehicle, the rate of mileage reimbursement is 40 cents per mile. Although not specifically mentioned in Rule 203 (e), translation services, when reasonably required, are considered part of the “medical expenses” for which an Employer/Insurer is liable.

1. When do I have to provide transportation? Translation?

As with all medical expenses, Employers/Insurers are required to pay for those transportation/translation services that are “reasonably required and appear likely to effect a cure, give relief, or restore the employee to suitable employment.” O.C.G.A § 200(a). If the transportation or translation services requested by the claimant are not reasonably required or necessary, you are not liable.

2. When is payment due?

Payment for transportation/translation services is due within 30 days from the date that the Employer/Insurer receives the invoice. Penalties will be assessed for any late payment. A penalty of 10% is added to any charge that is paid more than 30 but less than 60 days after it is due. A 20% penalty is added to any payment made more than 60 days but less than 90 days after it is due. For any charges not paid within 90 days of the due date, a 12% annual interest rate is applied to the total amount owed which includes the 20% late penalty. State Board Rule 203(c)(3).

3. What if I want to stop providing transportation or translation?

If you want to suspend transportation or translation services, one option is to deny the services and wait for the claimant to initiate litigation. If the issue proceeds to litigation, you would file a WC-3 Notice to Controvert and set forth the reasons why you deny the treatment requested.

The specific reasons you may have to controvert ongoing transportation or translation services are many, but these reasons will generally fall into one of the following categories:

- Not related to the on-the-job injury;
- No longer reasonably required to effect a cure, provide relief;

- Not recommended by an authorized physician or medical provider; or
- More information is needed

Common scenarios where disputes may arise include when an authorized treating physician releases a claimant to drive but the claimant insists on transportation, or when a claimant requests a mileage reimbursement *and* transportation.

4. Is there ever a reason to provide transportation when it is not requested?

Yes. Whenever the claimant has a doctor's appointment you do not want him to miss, such as your Independent Medical Examination, a Functional Capacities Evaluation, or an appointment with the authorized treating physician when you expect a favorable opinion, you should consider providing transportation even if the claimant does not request it. The short-term cost of providing transportation to this appointment would be justified if this appointment helped facilitate a favorable settlement, a suspension of benefits, or a victory at trial.

5. Are there Fee Schedule Considerations?

Yes. Section XIII, Subsection A of the Georgia Medical Fee Schedule concerns transportation costs in non-emergency situations and is attached to this newsletter.

Looking Ahead:

The statutory provisions and State Board Rules applicable to the costs of transportation and translation are susceptible to frequent change. This is especially true with regard to the cost of mileage which has increased from \$0.20 to \$0.40 since 2000. We will keep you informed as the General Assembly and State Board modify these provisions.

DAVID &
ROSETTI, LLP

229 Peachtree Street
International Tower, Suite 950
Atlanta, Georgia 30303
Direct: (404) 446-4488
Fax: (404) 446-4499
www.davidandrosetti.com