

## Can my Spouse Get Paid by the Insurance Company for Helping Me Recover at Home from my Injury?

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Many of my clients are surprised to learn that their husband, wife or significant other can ask for payment for "attendant care" of an injured worker at home. Why? Often my seriously injured clients cannot take care of basic necessities such as:

- bathing
- dressing
- meal preparation
- driving
- cleaning

Given that hospitals often release patients home as soon as possible, I see more and more instances where my clients recover mostly at home, with outpatient visits to rehab.

Under Georgia law (Georgia Code Section 34-9-200(a)), the employer/insurer must provide care that "shall be reasonably required and appear likely to effect a cure, give relief, or restore the employee to suitable employment." In the case of [Medical Office Management v. Hardee](#), the Georgia Court of Appeals held that:

There is no express prohibition in the Workers' Compensation Act against the recovery by an employee of attendant care services provided by a family member, including a

# Georgia Workers Compensation Blog

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spouse. Nor does the employer show that a family member cannot provide attendant home care under the Board's rules and regulations...

The employer had argued against this "spousal reimbursement" on the grounds that the spouse was performing tasks he/she would do otherwise. The Georgia Court of Appeals, as you can see, ruled otherwise, and permitted Ms. Hardee's husband to collect a fee under the State Board fee schedule for attendant services.