



State of Tennessee
Bureau of Workers' Compensation
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2021 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 2021 session of the 112th General Assembly. For a complete, detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to www.capitol.tn.gov.

MAXIMUM & MINIMUM BENEFIT CHANGES

Temporary Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2021 through June 30, 2022 is \$1,166.00 or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2021 through June 30, 2022 is \$1,060.00, or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2021 through June 30, 2022 for both temporary and permanent benefits is \$159.00.

SUNSET LAWS

Public Chapter 41 (SB0030 by Roberts/HB0256 by Ragan)

- Extends the sunset of the advisory council on workers' compensation to June 30, 2025.

Gov. Lee signed Public Chapter 41 into law on March 29, 2021 and it became effective upon signing.

WORKERS' COMPENSATION EXEMPTION REGISTRY

Public Chapter 88 (SB1268 by Reeves/HB0386 by Russell)

- Transfers administration of construction service provider registration from the secretary of state to the bureau of workers' compensation.

Public Chapter 88 was signed by Gov. Lee on April 7, 2021 and for rulemaking purposes became effective on that date. For all other purposes, this act takes effect on January 1, 2022.

CONTRACTOR LIABILITY

Public Chapter 90 (SB0629 by Bell/HB0395 by Boyd)

- Removes liability of a general contractor, intermediate contractor, or subcontractor for workers' compensation to a construction services provider for injuries occurring during the time period of December 9, 2019, through September 9, 2021, if certain conditions are met.

Gov. Lee signed Public Chapter 90 into law on April 7, 2021 and it became effective upon signing.

EMERGENCY RESCUE WORKER PRESUMPTION

Public Chapter 142 (SB0995 by Gardenhire/HB0553 by Whitson)

- Adds to those acquired infectious diseases, for which an emergency rescue worker is given a presumption to have suffered a disability in the line of duty, a virus or other communicable disease for which a pandemic has been declared by the World Health Organization or the federal centers for disease control and prevention, and for which the governor has declared a state of emergency.

Gov. Lee signed Public Chapter 142 into law on April 13, 2021 and it became effective on that date.

ATTORNEY FEES

Public Chapter 152 (SB1576 by Bailey/HB0401 by Boyd)

- Authorizes the court of workers' compensation claims to award additional attorneys' fees and costs incurred when an employer wrongfully denies a claim or wrongfully fails to timely initiate benefits to which the employee or dependent is entitled for injuries that occur between July 1, 2021, and June 30, 2023.

Public Chapter 152 was signed by Gov. Lee on April 13, 2021 and it takes effect on July 1, 2021 and will sunset on June 30, 2023.

WORKERS' COMPENSATION COVERAGE AND PENALTY ENFORCEMENT

Public Chapter 189 (SB1577 by Bailey/HB1285 by Boyd)

- Amends the workers' compensation law to add enforcement mechanisms for Bureau of Workers' Compensation compliance program in investigating uninsured employers and those who illegally misclassify employees.

Gov. Lee signed Public Chapter 189 into law on April 20, 2021, and it becomes effective July 1, 2021 and will sunset on June 30, 2024.

2021 WORKERS' COMPENSATION UPDATE

Public Chapter 286 (SB0764 by Johnson/HB0094 by Lamberth)

- Clarifies the standard of proof in post-settlement/post-order disputes concerning medical treatment; removes requirement that all compensation be paid prior to an employee qualifying for vocational recovery assistance; extends BWC's vocational recovery assistance program for four years to June 30, 2025; authorizes workers' compensation judges to conduct judicial settlement conferences.

Gov. Lee signed Public Chapter 286 into law on April 30, 2021, and it became effective upon signing and applies to injuries occurring on or after the effective date.