



**State of Tennessee
Bureau of Workers' Compensation
220 French Landing Drive, 1-B
Nashville, Tennessee 37243-1002
WC.Info@tn.gov**

2017 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 2017 session of the 110th 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, 2017 through June 30, 2018 is \$992.20, or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2017 through June 30, 2018 is \$902.00, or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2017 through June 30, 2018 for both temporary and permanent benefits is \$135.30.

REVISIONS TO UTILIZATION REVIEW, MEDICAL PANELS, BURIAL EXPENSES

Public Chapter 380 (SB0297/HB0666) provides:

- Utilization review shall not apply to: (A) Diagnostic procedures ordered in accordance with the treatment guidelines by the authorized treating physician or chiropractor in the first thirty (30) days after the date of injury; or (B) Diagnostic studies recommended by the treating physician in the event the initial treatment regimen is nonsurgical, without diagnostic testing, and is not successful in returning the injured worker to employment. Any recommended invasive procedure shall be subject to utilization review at any time.
- If three (3) or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community, the employer shall provide a list of three (3) independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated

in practice together that are within a 125-mile radius of the employee's community of residence. "Not associated in practice together" means at least one (1) physician, surgeon, chiropractor, or specialty practice group is not associated in practice with another physician, surgeon, chiropractor, or specialty practice group that is on the list or panel provided to the employee.

- This bill increases the maximum amount for burial expenses to \$10,000.

Governor Haslam signed Public Chapter 380 into law on May 19, 2017, and it became effective upon signing.

GENERAL UPDATE OF THE WORKERS' COMPENSATION LAW

Public Chapter 344 (SB 1214/HB0325) makes the following statutory changes:

- Removes certain unnecessary coverage form filing with the bureau.
- Establishes penalties (\$50-\$5000) when any person enters false information on a construction service provider's application to the Sec. of State Exemption Registry or if an employer of a construction services provider fails to provide proof of workers' compensation insurance coverage. Penalty limited to maximum of \$500 for first offense.
- Allows for oral argument to the WC Appeals Board. Also extends the time period for the appeals board to issue its determination from 7 days to 20 days. Standard of review now de novo.
- Provides an education benefit for injured employees who are not able to make a meaningful return to their pre-injury job.
- Cap of \$5000 per worker per year, \$20,000 max aggregate per worker, \$500,000 in any year for entire program.
- Sums to be disbursed by the administrator from the Subsequent Injury and Vocational Recovery Fund to be disbursed for costs associated with providing vocational recovery assistance to eligible employees.
- Renames the Second Injury Fund the Subsequent Injury and Vocational Recovery Fund.
- The vocational recovery assistance program will be limited as follows: a three-year sunset following a one-year implementation period.

Governor Haslam signed Public Chapter 344 into law on May 9, 2017, and it became effective upon signing (vocational recovery assistance program only applicable to injuries occurring on/after July 1, 2018).