A BEGINNER'S GUIDE TO TENNESSEE WORKERS' COMPENSATION

Basic facts about the Tennessee Workers' Compensation System
For Dates of Injury before July 1, 2014

WHAT SHOULD AN EMPLOYEE DO IF INJURED AT WORK?

An employee should report a work-related injury to his/her supervisor within 30 days of the date of the injury or within 30 days of when a doctor first tells the employee that his/her injury is work-related so that the proper forms and paperwork can be completed.

Reporting your injury as soon as possible will speed up the handling of your claim.

All required forms should be completed by the employee's supervisor. Required forms are located on the web at:
http://www.tn.gov/workforce/section/workforce-allwc-forms

If the injury requires emergency treatment, the injured worker should be taken to the closest hospital emergency room.

HOW IS A DOCTOR SELECTED?

A supervisor should provide an injured employee a panel of at least three nearby doctors willing to provide workers' compensation medical treatment. The supervisor should provide the panel of doctors on an "Agreement between Employer/Employee Choice of Physician", Form C-42. If the injury is to the back, the panel should have four doctor's names, one of which must be a chiropractor. The employee must select one doctor from the Form C-42 and sign the form. The doctor chosen by the employee will become the ***authorized treating physician*** and will provide medical treatment at the employer's expense. If emergency treatment is required, the supervisor should provide the panel after the injury is stabilized.

Request and keep a copy of your signed form for your records. If you do not sign the form, but accept medical treatment from a doctor on the form, it may be considered that you have chosen that doctor.

Need More Help?

The Ombudsman Program of the Tennessee Bureau of Workers' Compensation is available to assist employees, employers and insurance companies that do not have attorney representation with any questions they have. Information is available on the Bureau's website at:

http://www.tn.gov/workforce/article/i-dont-have-an-attorney

Assistance is also available by calling **1-800-332-2667.**

CAN AN EMPLOYEE BE FIRED FOR REPORTING A WORK INJURY?

No, it is illegal for an employer to fire an employee for reporting a work injury. If an injured employee is fired and believes it was for reporting a work injury, the employee may wish to consult an attorney.

The Bureau of Workers' Compensation does not have authority to resolve wrongful termination claims.

HOW CAN AN INJURED WORKER PROTECT HIS/HER RIGHTS?

The right to receive workers' compensation benefits does not stay open forever. To protect his/her rights, an injured worker must request a Benefit Review Conference by filing a Form C-40B. In most cases, the deadline to file the request is ***one year from***:

1. The date the injury occurred; or,
2. The date the last temporary disability benefits were paid or medical benefits were provided for the injury, whichever is latest.

WHAT BENEFITS ARE INJURED EMPLOYEES ENTITLED TO RECEIVE?

Employees who have suffered a ***compensable*** injury, meaning that the authorized treating physician has determined it to be work-related, may be entitled to receive the following:

Medical treatment, at no cost to the employee:
This treatment must be provided for as long as required by the authorized treating physician. Medical treatment recommended by the authorized treating physician that is denied by the insurance company's utilization review can be submitted to the Bureau's Utilization Review Program for additional review and consideration.

- Reimbursement for mileage to and from medical treatment may be requested if travel exceeds 15 miles.

If the authorized treating physician restricts an injured employee's ability to work, such as limiting the number of hours worked or the type of work performed, it is very important that the physician's instructions and restrictions are followed at all times. Failure to report for light duty offered by your employer may terminate your temporary disability benefits.

Temporary Disability Benefits
Disability begins when the authorized treating physician takes an employee off work. Temporary disability benefits replace lost wages and are due beginning on the eighth day of the disability. If the disability lasts fourteen (14) days, benefits will be paid back to the first day of disability.

Temporary disability benefits are usually two-thirds (⅔) of the injured worker's average weekly wages earned during the 52 weeks prior to the injury. Even if you are able to work, but your average weekly earnings are reduced because of work restrictions, you may be entitled to partial disability benefits.

You should stay in contact with your employer. Temporary disability benefits are usually paid by the employer or its insurance company. The Bureau of Workers' Compensation does not pay these benefits.

Remember...

You can call the Ombudsman Program of the Tennessee Bureau of Workers' Compensation at **800-332-2667.** A Workers Compensation Specialist will answer your questions or direct you to someone that can.

FREQUENTLY ASKED QUESTIONS

Does an injured employee have to pay for medical treatment for a compensable injury?
No. Injured employees are not responsible for the costs of medical treatment provided by the authorized physician for a compensable claim.

What options does an employee have if they disagree with the authorized treating physician's findings or recommended medical treatment?
The employer or insurance company is usually not required by law to offer a second opinion, but you can always ask for it anyway. The employee may, however, obtain a second opinion or additional medical treatment with any doctor at his/her own expense.

What if I'm not receiving the benefits I deserve?
You can call the Bureau of Workers' Compensation at **1-800-332-2667**. A Workers' Compensation Ombudsman will help you with your request for assistance.

Submitting a completed Request for Mediation Form available at: http://www.tn.gov/workforce/section/workforce-allwc-forms will speed up the process.

Will an employee need to use his/her sick or vacation time while off work due to a compensable injury?
It depends. An employee taken off work by the authorized treating physician for less than 14 days is not entitled to temporary disability benefits for the first seven (7) days of work missed. Injured employees should review their company's policies about this unpaid time. If the authorized treating physician requires the injured employee to miss more than 14 days; however, benefits are due from the first day of disability.

Is an injured employee paid for the time spent attending doctor's appointments during work hours?
Not unless you're company has a policy to pay for this time.

Which employers must provide workers' compensation coverage for their employees?
All employers with five or more full- or part-time employees must carry workers' compensation insurance. In the construction or mining industry however, employers must provide coverage even if there is only one employee. Construction employers may exempt themselves from the workers' compensation coverage requirements by applying for an exemption; but, ***all employees*** in construction must be covered.

Information about the Workers' Compensation Exemption Registry is available at: **http://sos.tn.gov/business-services/wc** or by calling the Tennessee Secretary of State's office at 615-741-2286.