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2015 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 109th 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, 2015 through June 30, 2016 is \$943.80, or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2015 through June 30, 2016 is \$858.00, or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2015 through June 30, 2016 for both temporary and permanent benefits is \$128.70.

PUBLIC INSPECTION OF WORKERS' COMPENSATION INSURANCE POLICIES

Public Chapter 345 (SB0174/HB0178), amends Tennessee Code Annotated, Section 50-6-421(b)(3), by adding the policy cancellation date and policy reinstatement date to the list of other items that are currently open for public inspection (policy number, policy effective date, and policy expiration date).

Governor Haslam signed Public Chapter 345 into law on May 4, 2015, and it became effective upon signing.

INSURANCE PREMIUMS

Public Chapter 188 (SB0171/HB0558) provides that a carrier may not charge a premium for an independent contractor. Also, an amendment to the bill removed language prohibiting carriers from charging a premium to construction services providers who are exempt from having to carry workers' compensation coverage and are listed on the construction services provider workers' compensation exemption registry. This bill arose out of a TN Court of Appeals ruling in 2014, *Continental Casualty Co. v. Theraco, Inc.*, 427 S.W.3d 841 (Tenn.App. 2014).

Governor Haslam signed the measure into law on April 22, 2015.

GENERAL UPDATE OF THE WORKERS' COMPENSATION LAW

Public Chapter 341 (SB0105/HB0094) makes minor language changes to the workers' compensation law that will help ensure that the Workers' Compensation Reform Act of 2013 operates as it was intended. Regarding the Appeals Board, this Chapter expands the power of the appeals board to affirm, reverse, or modify and remand Court orders and revises procedures for appealing to the board, and authorizes the administrator to assess filing fees sufficient to offset the cost of administering the Workers' Compensation Law. This bill authorizes workers' compensation judges to swear in witnesses at hearings and other court of workers' compensation claims functions, to appoint a guardian ad litem in any claim for workers' compensation death benefits, and to have execution (judgment) authority, pursuant to the present law provisions governing execution. Also, the Chapter adds that no party may settle a claim for permanent disability benefits unless the settlement agreement is approved by a workers' compensation judge and that any settlement not so approved is void, and extends the statute of limitation for filing a claim to recover workers' compensation benefits to two years from the date of the last payment of permanent partial disability benefits in any case where an employer has paid permanent partial disability benefits to an employee in an attempt to settle a claim for workers' compensation benefits but the employee and employer have not entered into a settlement agreement that has been approved by a workers' compensation judge. Regarding utilization review, this bill revises the present law to require that the utilization review instead be conducted by providers accredited by a utilization review organization accredited by either the utilization review accreditation commission (URAC) or the national committee for quality assurance (NCQA). Providers will be required to provide proof of such accreditation beginning July 1, 2016. The Chapter changes the name of the Division of Workers' Compensation to Bureau of Workers' Compensation.

Governor Haslam signed Public Chapter 341 into law on May 4, 2015, and it became effective upon signing.