



IMPORTANT CLAIM DATES

July 26, 2023

- 1 Day** - Employer should report a work injury to carrier within one (1) business day of knowledge of injury.
- 2 Days** - Adjuster should contact employee within two (2) business days to confirm facts, history, wages, etc.; obtain recorded statement, if possible.
- 3 Days** - (in claims where compensability is questioned) Adjuster should contact physician within three (3) business days of initial office visit to investigate and make preliminary compensation determination.
- 3 Days** - Request Utilization Review within three (3) business days of recommended treatment in dispute.
- 3 Days** - Provide panel of physicians within three (3) business days from date employer has notice of injury and employee has expressed a need for medical care.
- 3 Days** - Provide panel of specialists within three (3) business days of referral by Authorized Treating Physician, or that referral automatically becomes the Authorized Treating Physician.
- 5 Days** - Adjuster must file a MTC SROI 04 ("Full Denial" - Denial of further indemnity and medical benefits) or a SROI MTC PD ("Partial Denial"- Denial of a specific indemnity or medical benefit) within five (5) calendar days of due date of first omitted payment.
- 14 Days** - Deadline for filing First Report of Injury for injury that results in death or that prevents employee from returning to work within seven (7) calendar days.
- 15 Days** - Decision on compensability must be made within fifteen (15) days of verbal or written notice of accident or injury.
- 15 Days** - Time limit for Employee to provide timely notice of Injury to Employer.
- 30 Days** - Offer of settlement must be made in writing within thirty (30) days of receipt of PPI rating and MMI date.
- 30 Days** - If matter is not concluded by settlement or resolved by trial, adjuster must submit required information within thirty (30) days of final payment of compensation (including all benefits paid).
- 30 Days** - A properly submitted and complete medical bill that is not disputed within fifteen (15) business days must be paid within thirty (30) days.
- 60 Days** - Deadline to pay claim after receipt of information necessary to pay the claim.

MEDICAL ISSUES

- CAUSATION:** All injuries must arise "primarily out of and in the course and scope of employment" (employment contributed more than 50%, considering all causes) to be compensable.
- MMI:** Shall be conclusively presumed when the Authorized Treating Physician ends all active medical treatment and the only care provided is for the treatment of pain or for a mental injury that arose primarily out of a compensable injury.
- MENTAL INJURY:** Loss of mental faculties or a mental or behavioral disorder, arising primarily out of a compensable physical injury or an identifiable work-related event resulting in a sudden or unusual stimulus.
- MMI for mental injury conclusively presumed at earlier of (1) Psychiatrist's conclusion that MMI reached; or (2) 104 weeks after date of mental injury if no underlying physical injury.
- PRE-EXISTING CONDITIONS:** Aggravation only compensable if shown to a reasonable degree of medical certainty that the aggravation arose "primarily" (more than 50%, considering all causes) out of and in the course and scope of employment.
- *PTDS for Firefighters has a presumption of causation if certain conditions occur (Effective January 1, 2024).

IMPAIRMENT RATINGS

- All impairment ratings are to the "body as a whole" and worth four hundred and fifty (450) weeks under the *AMA Guides*, 6th Edition.
- The impairment rating provided by the authorized treating physician is presumed correct unless rebutted by a preponderance of the evidence (has diminished use of independent medical examinations).

MEDICAL PANELS

- INITIAL PANEL** - When the employee has suffered an injury and expressed a need for medical care, the employer shall designate a group of three (3) or more independent reputable physicians, surgeons, chiropractors or specialty practice groups, if available in the injured employee's community, from which the injured employee shall select one (1) to be the treating physician. The panel must include the name of a physician or medical director if an occupational clinic is used.
- SECONDARY PANEL** - When the treating physician makes referral to a specialist physician, surgeon or chiropractor, the employer shall be deemed to have accepted the referral, unless the employer, within three (3) business days, provides the employee a panel of three (3) or more independent reputable physicians, surgeons, chiropractors or specialty practice groups.
- NOTE:** If the employee has been presented the physician selection form but has failed to sign and return the completed form, the employee's receipt of treatment from any physician on the panel shall constitute selection of that physician.

STATUTE OF LIMITATIONS

- If the employer HAS NOT paid workers' compensation benefits, the employee must institute an action within one (1) year after the accident resulting in injury.
- If employer HAS voluntarily paid workers' compensation benefits, the employee must institute an action within one (1) year from the latter of the date of the last authorized treatment or the time the employer ceased to make payments of compensation to or on behalf of the employee.
- Therefore It is critical that the employer/carrier pay medical bills as quickly as possible.

NOTICE REQUIREMENTS

Every injured employee must, immediately upon the occurrence of an injury, or as soon thereafter as is reasonable and practical, give the employer who has no actual notice, written notice of the injury. No compensation shall be payable unless written notice is given to the employer within fifteen (15) days after the occurrence of the accident, unless reasonable excuse for failure to give notice is made to the satisfaction of the tribunal to which the claim may be presented.

PERMANENT DISABILITY BENEFITS

In cases of permanent partial disability, at the time the injured employee reaches maximum medical improvement, he/she shall be paid sixty-six and two-thirds percent (66 2/3%) of his/her average weekly wages for the period of compensation, which shall be determined by multiplying the employee’s impairment rating by four hundred fifty (450) weeks. The injured employee shall receive these benefits whether the employee has returned to work or not.

At the end of the initial compensation period, if the employee has not returned to work or has returned making less than the pre-injury wages (with any employer), the employee may be entitled to additional benefits:

- 1.35 for failure to return to pre-injury wages;
- 1.45 if no high school diploma or GED;
- 1.2 if employee is over 40 years of age at time period of compensation ends; and
- 1.3 if the unemployment rate, in the Tennessee county where the employee was employed by the employer on the date of injury, was at least two (2) percentage points greater than the yearly average unemployment rate in Tennessee according to the yearly average unemployment rate compiled by the department for the year immediately prior to the expiration of the period of compensation.

*For dates of injury on or after June 22, 2020, the end of the initial compensation period is either the number of weeks after MMI that equals: the value of the impairment rating x 450 weeks; or 180 days, whichever date is later.

COURT DATES

Within seven (7) business days after the request of the mediator or within fifteen (15) calendar days after a DCN is filed with the clerk, the employer must provide a wage statement.

A Request for Expedited or Compensation Hearing must be filed within sixty (60) days of the DCN being filed.

WORKERS’ COMPENSATION

Lewis Thomason is proud of its longstanding tradition of excellence. We are committed to providing a level of service that builds respect and establishes long-term relationships. Combining expertise with experience, our firm offers a wide range of legal services and strives to create an atmosphere of trust and communication between its clients and lawyers. Our highly skilled attorneys cover the entire state of Tennessee and serve regional and national clients.

Lewis Thomason serves large and small businesses and their insurance carriers across the state of Tennessee. We routinely guide our clients through the complex web of workers’ compensation rules and regulations. We advise clients on the interplay of workers’ compensation, the Americans with Disabilities Act, and Family and Medical Leave Act and how they affect business goals. Our attorneys have long term litigation and mediation experience on the many different applications of workers’ compensation, from the administrative level all the way through the Supreme Court.

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