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BUREAU OF WORKERS' COMPENSATION  
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## Overview of 2018 Revisions to the Tennessee Bureau of Workers' Compensation Rules for Employers

The following information represents a general description of some of the most significant revisions to rules that impact employers covered by Tennessee's workers' compensation laws, which became effective in 2018. Specifically, revisions to the following rules, hyperlinked below, are included in this document:

- [0800-02-01 General Rules of the Workers' Compensation Program](#)
- [0800-02-14 Claims Handling Standards](#)

This document does not include all of the revisions to the rules or information about requirements that were not recently revised. All employers are strongly advised to consult each of the rules named above to learn all of their requirements.

### Notice of an injury:

- An employer must accept any notice of a claim for workers' compensation benefits from any employee alleging an injury and must report all known or reported accidents or injuries to their workers' compensation carrier within one business day of the employer's knowledge of the injury.
- An employer should immediately provide all appropriate emergency assistance (i.e., ambulance, EMT, etc.) for any workplace injury that causes the need for emergency care. After the injured employee's medical condition has stabilized, the employer should follow the requirements of providing a panel referenced below in the same manner as any alleged workplace injury not requiring emergency care.

### Medical Panels:

- In most instances involving the report of a work-related injury, an employer should provide the employee a panel consisting of at least three physicians and/or chiropractors. The panel must be provided on the Bureau's [Employee's Choice of Physician](#) form within three business days of the receipt of notice of a workplace injury.
  - The employee must select one of the medical providers listed on the panel to become the authorized treating physician.
    - Any medical provider listed on the panel must be qualified, willing, and able to treat the injured employee in a timely manner.
    - If the name of a specialty practice group that consists of multiple physicians willing to treat workers' compensation employees, such as the name of an orthopedic clinic, is listed on a panel provided by the employer rather than an individual physician's name from that group, and that group is selected by the employee to become the treating provider, the employee will have the final choice as to which physician from within that group will become the authorized treating physician.
    - Employers may direct injured employees to onsite medical providers, if available, prior to providing an initial panel of physicians for an examination to help determine the type of medical provider to list on the panel. Having such an onsite provider examine the injured employee does not satisfy nor alleviate the requirement for providing an appropriate panel referenced above.

- Employers may list an onsite medical provider as an option on the panel if the provider meets the statutory requirements; however, the employee has the ultimate decision regarding which provider listed on the panel will become the authorized treating physician.
- Walk-in clinics, urgent care facilities and other similar providers may be listed on a medical panel if the provider is staffed by at least one physician (MD or DO) or chiropractor. The name of the staff physician or Medical Director should be listed on the panel next to the name of the clinic.
  - Different business locations of the same clinics may be listed on the same medical panel if different staff physicians or Medical Directors are named for each different location.
  - Nurse Practitioners, Physician Assistants and other mid-level practice extenders may provide medical treatment ordered by an attending physician in accordance with their licensing.
  - Only a physician (MD or DO) or a chiropractor may:
    - Determine medical causation regarding the injury,
    - Issue a permanent impairment rating, and
    - Determine the date an injured employee has reached maximum medical improvement.

### **Benefits:**

- An employer is not allowed to pay any workers' compensation benefits that are due because of a work-related injury in any manner that unlawfully shifts the responsibility away from the insurance carrier or conceals the occurrence of the injury or the extent of payments for benefits.
  - An employer may be allowed to pay some of the temporary disability benefits and/or permanent disability benefits from an employer-funded disability plan so long as the plan permits such payments and the employee does not receive less than the employee is entitled to receive.
  - An employer may choose to continue to pay an injured employee his/her regular wages or salary during the employee's period of disability so long as the employee does not receive less than the employee is entitled to receive.

### **Possible penalties:**

- A violation of any Workers' Compensation Rule without a defined penalty may result in a civil penalty of not less than fifty dollars (\$50.00), but no more than five thousand dollars (\$5,000), per violation assessed against the employer.