

SENATE BILL 1477

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 9; Title 16; Title 41; Title 48; Title 50
and Title 56, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1, Tennessee Code Annotated, Section 50-6-238(d)(2)(A), is amended by adding the following language following the final sentence of the subdivision:

After the filing of a request for reconsideration of a specialist's order, neither of the parties shall be permitted to supply any new information, facts or documents to be considered by the administrator or the administrator's designee. After receipt of the request for reconsideration, the administrator or administrator's designee shall review only the information that was available to the specialist who issued the order that is the subject of the request for reconsideration. During the informal conference with the affected parties, the administrator or administrator's designee shall not receive any additional information from either of the parties.

SECTION 2. Tennessee Code Annotated, Section 50-6-238(d)(2)(B), is amended by deleting the language of the subdivision in its entirety and by substituting instead the following:

(B) After reviewing the information available to the specialist who issued the order that is the subject of the request for reconsideration and after the informal conference with the affected parties, the administrator or administrator's designee shall determine whether, under the Tennessee workers' compensation law, the specialist's order was correct or not. A written order shall be issued and signed by the administrator or administrator's designee within seven (7) calendar days following the conclusion of the informal conference. If the administrator or administrator's designee determines the specialist's order was correct, the administrator or administrator's designee shall issue a written order that affirms the specialist's order and includes language specifically

ordering the same action as contained in the original order of the specialist. If it is determined that the specialist's order was incorrect, the administrator or administrator's designee shall issue an order that reverses the specialist's order and includes specific language that orders the correct resolution of the issues in dispute pursuant to the Tennessee workers' compensation law so the order of the administrator or administrator's designee becomes the definitive order regarding the issues in dispute. The administrator or administrator's designee shall have no authority to remand the matter to either the specialist who issued the order or to any other specialist for further action or consideration of the issues in dispute. The order of the administrator or administrator's designee shall fully resolve the issues in dispute. If the order issued and signed by the administrator or administrator's designee orders the payment or provision of workers' compensation benefits to the employee, the party against whom the order is issued shall comply with the order within ten (10) calendar days of the receipt of the order of the administrator or administrator's designee. The order shall be sent to the parties by certified mail, return receipt requested and the calculation of the ten (10) calendar days shall be determined by the actual date the order was received, not by the date indicated on the website of the United States Postal Service.

SECTION 3. Tennessee Code Annotated, Section 50-6-238(d)(2), is amended by adding the following language to be designated subdivision (d)(2)(C):

Nothing in this subdivision shall preclude any party from submitting a new request for assistance to the department of labor and workforce development following the resolution of a request for reconsideration of a specialist's order by the administrator or administrator's designee that is based on new or additional information, facts or documents that were not originally considered by the specialist when issuing the original order that was the subject of the request for reconsideration.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.