

Amendment No. 1 to SB1567

Stanley
Signature of Sponsor

AMEND Senate Bill No. 1567*

House Bill No. 1471

by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-241(d)(1), is amended by adding the following as a new subdivision (C):

(C)

(i) Notwithstanding any other law to the contrary, for injuries occurring on or after July 1, 2009, if an injured employee receives permanent partial disability benefits for body as a whole injuries, or if the injured employee receives permanent partial disability benefits for schedule member injuries, pursuant to subdivision (d)(1)(A) and the pre-injury employer is sold or acquired subsequent to the receipt of such permanent partial disability benefits, then the injured employee shall not be entitled to seek reconsideration:

(a) Provided the injured employee continues to be employed by the successor employer at the same or higher pay; or

(b) If employee declines an offer of employment with the successor employer at the same or higher pay.

(ii) Notwithstanding subdivision (i), an injured employee shall be entitled to seek reconsideration:

(a) From the successor employer within four hundred (400) weeks of the day the employee returned to work for the pre-injury employer, if the injured employee received permanent partial disability benefits for body as a whole injuries from the pre-injury employer

pursuant to subdivision (d)(1)(A) and the injured employee is no longer employed by the successor employer at the same or higher pay; or

(b) From the successor employer within the number of weeks for which the employee was eligible to receive benefits from the pre-injury employer under §50-6-207, to be calculated from the day the employee returned to work for the pre-injury employer, if the injured employee received permanent partial disability benefits for schedule member injuries from the pre-injury employer pursuant to subdivision (d)(1)(A) and the injured employee is no longer employed by the successor employer at the same or higher pay.

(iii) Any additional permanent partial disability benefits to which the injured employee is entitled pursuant to subdivision (C)(ii) shall be paid by the successor employer or the insurance carrier for the successor employer.

(iv) If an injured employee is entitled to seek reconsideration pursuant to this subdivision (C), then the employee shall first request a benefit review conference within one (1) year of the date on which the employee ceased to be employed by the successor employer. If the parties are not able to reach an agreement regarding additional permanent partial disability benefits at the benefit review conference, then the employee shall be entitled to file a complaint against the successor employer seeking reconsideration in a court of competent jurisdiction within ninety (90) days of the date of the benefit review conference. Any settlement or award of additional permanent partial disability benefits pursuant to reconsideration shall give the successor employer credit for the prior permanent partial disability benefits paid by the pre-injury employer to the employee. Any new settlement or award regarding additional permanent partial disability benefits shall be subject to the maximum established in subdivision (d)(2).

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.