

HOUSE BILL 3043

By Sargent

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6, relative to workers' compensation

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

SECTION 1. Tennessee Code Annotated, Section 50-6-206(a)(2)(A), is amended by deleting such subdivision in its entirety and by substituting instead the following:

Except as provided in subdivision(a)(2)(C), if a workers' compensation claim is settled by the parties, the parties shall not agree to compromise and settle the issue of future medical benefits for a period of one (1) year from the date on which the settlement is approved. No settlement agreement shall be approved that contains any language inconsistent with this subdivision. Except as provided in subdivision(a)(2)(C), an employee who is determined to be permanently totally disabled shall not be allowed to compromise and settle the employee's right to future medical benefits.

SECTION 2. Tennessee Code Annotated 50-6-206(a)(2)(B), is hereby amended by deleting the language "After the expiration of the three (3) year period, if the parties mutually agree to a compromise and settlement on the issue of future medical benefits, the" and substituting in its place:

After the expiration of the one (1) year period and when for all uncontested compensable injuries a statement is required from the authorized treating physician that no future medical care related to the injury is anticipated, then the parties may mutually agree to a compromise and settlement on the issue of future medical benefits. If the parties agree then the

SECTION 3. Tennessee Code Annotated 50-6-206(a)(2)(C), is hereby amended by deleting the subdivision in its entirety, and by substituting the following:

Upon application of the parties, the trial court or the department of labor and workforce development specialist approving the settlement shall have the authority to terminate the right to future medical benefits upon a finding that based upon clear and convincing evidence that compensability is a contested issue and has been raised in good faith as a potentially valid defense by the employer.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.